Journal of the House

State of Indiana

119th General Assembly — First Regular Session

Thirty-ninth Day — **Thursday Morning** — **April 2, 2015**

The invocation was offered by Pastor Dave Nicholson of Ritter Ave Free Methodist Church in Indianapolis, a guest of Representative Kathy Kreag Richardson.

The House convened at 10:00 a.m. with Speaker Pro Tempore William C. Friend in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Kathy Kreag Richardson.

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

Arnold
Austin
Aylesworth
Bacon
Baird
Bartlett
Bauer
Behning
Beumer
Borders
Braun ☐
C. Brown
T. Brown
Burton
Carbaugh
Cherry
Clere
Cook
Cox
Culver
Davisson
DeLaney
Dermody
DeVon
Dvorak
Eberhart
Errington
Fine
Forestal
Friend
Frizzell ☐
Frye
GiaQuinta
Goodin
Gutwein
Hale
Hamm
Harman
Heaton
Huston
Judy
Karickhoff
Kersey
Kirchhofer
Klinker
Koch
Lawson ☐
Lehe
Lehman
Leonard
Lucas
Macer
Mahan
Mayfield
McMillin
McNamara
D. Miller
Moed
Morris
Morrison
Moseley
Negele
Niezgodski
Nisly
Ober
Olthoff
Pelath ☐
Pierce
Porter
Price
Pryor
Rhoads
Richardson
Riecken
Saunders
Schaibley
Shackleford
Slager
Smaltz
M. Smith ☐
V. Smith
Soliday
Speedy
Stemler
Steuerwald ☐
Sullivan
Summers
Thompson
Torr
Truitt
Ubelhor
VanNatter
Washburne
Wesco
Wolkins ☐
Wright
Zent
Ziemke
Mr. Speaker ☐

Roll Call 363: 91 present; 8 excused. The Speaker announced a quorum in attendance. [*NOTE*: ☐ *indicates those who were excused*.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 62

Representatives Friend and Austin introduced House Concurrent Resolution 62:

A CONCURRENT RESOLUTION honoring Whitney Jennings.

Whereas, Whitney Jennings, a graduate of Logansport High School, was named the 2014 Indiana Miss Basketball;

Whereas, Over her career, Whitney Jennings generated some amazing numbers;

Whereas, Whitney Jennings averaged 24.2 points as a freshman, 25.4 as a sophomore, and 23.6 as a junior, ending her career with 2,641, fifth on the state's career scoring list; she also averaged at least seven assists each of the past three seasons and at least 2.9 steals each of her four years;

Whereas, Logansport coach Jerry Hoover credits Whitney Jennings' work ethic for her success, stating that "She probably spends more time at it than any player I've ever coached";

Whereas, In recognition of her outstanding abilities, Whitney Jennings has received numerous awards and recognitions, including being named to the Associated Press All-State first team, Indiana Basketball Coaches Association Underclass first team, Hoosier Basketball Magazine first team, and Indiana Coaches of Girls Sports Association first team. She was also a core member of the Indiana Junior All-Star Team;

Whereas, Whitney Jennings was also named the 2013-14 Gatorade Indiana Girls Basketball Player of the Year and was one of 20 high school seniors selected to the 2014 Parade All-America Girls Basketball Team;

Whereas, In addition to her basketball accomplishments, Whitney Jennings earned four varsity letters in soccer and was named to the 2012 and the 2013 Indiana Soccer Coaches Association District 3 first team; was the number one singles player in tennis for Logansport High School with a career record of 68-6, was the individual sectional champion in 2012 and 2013, and was named Honorable Mention All-State in singles by the Indiana High School Tennis Coaches Association in 2012 and 2013;

Whereas, Despite the long hours she puts in on the basketball court, Whitney Jennings maintained a 3.99 GPA in

the classroom, is a long time member of the 4-H Youth Development Organization, and has volunteered locally as a peer tutor, library student assistant, and youth basketball coach;

Whereas, Whitney Jennings attends the University of Iowa; and

Whereas, Outstanding abilities and accomplishments such as these deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Whitney Jennings on being selected as the 2014 Indiana Miss Basketball and wishes her continued success in all her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Whitney Jennings and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Head.

House Concurrent Resolution 63

Representatives Karickhoff, T. Brown and DeLaney introduced House Concurrent Resolution 63:

A CONCURRENT RESOLUTION urging the legislative council to assign the topic of compensation of elected officials and state public safety officers to the appropriate committee.

Whereas, States around the country have begun to put into place updated procedures for setting salaries for statewide elected officials and for state public safety officers to ensure their approach is more fact-based when establishing officials' compensation;

Whereas, These compensation rates must be fair in light of economic realities and comparable work situations;

Whereas, In order to recruit talented leaders to run for elected state offices, Indiana must pay our elected officials fairly for the jobs they do; and

Whereas, In order to attract and retain high quality individuals to serve as state public safety officers, Indiana must pay those officers a salary competitive with nearby state public safety officers and with comparable local public safety agencies: Therefore,

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

SECTION 1. That the legislative council is urged to assign the topic of salaries of elected officials and state public safety officers throughout the state to the appropriate committee.

SECTION 2. That the legislative council shall assign to the appropriate committee the topics of the:

(1) salaries of elected officials throughout the state; and

(2) salaries of state police officers, conservation officers, excise officers, and gaming officers.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 64

Representatives Lehe, Klinker, Negele and VanNatter introduced House Concurrent Resolution 64:

A CONCURRENT RESOLUTION urging the federal government to use sound science when determining the water level requirements of Lake Shafer and Lake Freeman.

Whereas, Over several decades, tourism to the Twin Lakes area has grown to the point where the area has become one of the major tourist attractions in Indiana;

Whereas, Tourists come to the area to visit one or all of our four major attractions: Indiana Beach, Lake Shafer, Lake Freeman, and the Madam Carroll cruise boat on Lake Freeman;

Whereas, During the two week low water period in August 2014 tourism was noticeably weaker;

Whereas, There are 869 licensed properties on the Lake Freeman, with more than half of these used as second homes owned by people whose primary homes are in Indianapolis, Chicago, or other places hours away;

Whereas, Occupancy of these homes was noticeably down for the duration of the lake drop in water level, depriving Lake Freeman and area businesses of tourist revenue from food, gas, and services;

Whereas, A large tourism infrastructure of resorts, motels, private home rentals, boat ramps, marinas, restaurants, and docking facilities has become established on both Lake Freeman and Lake Shafer, all dependent upon the expectation of consistent water levels;

Whereas, Very little attention has been paid to the fact that great numbers of supposedly nonendangered fish, mussels, and plant life in Lake Freeman were destroyed by the required two foot drop in Lake Freeman in August 2014;

Whereas, Although the required lowering of the lake water level may have saved endangered mussels in the Tippecanoe River, it also produced other environmental problems of a serious nature in Lake Freeman. These problems included the exposure of the lake bottom, resulting in the death of nonendangered mussels and other aquatic life; wildlife and water plants were killed, giving off offensive odors and visual impairments; fish spawning and habitat areas in low and wetland areas were lost; constructed and placed fish habitat promulgation structures were uncovered; the beneficial functions of wetlands as habitat and water filters were diminished; docks and piers designed for specific water levels were rendered inaccessible for boating and suffered damage; seawalls buckled because of lack of countering pressure from the water, causing more silt to enter the lake; and stumps and shallows appeared, rendering boating unsafe;

Whereas, Closure of all Lake Freeman boat ramps because of low water levels caused loss of ramp launch fee income and many marina workers were laid off;

Whereas, Low water levels also prevented the construction of seawalls, docks, and boat lifts, resulting in construction worker layoffs; and

Whereas, The economic value of Lake Shafer and Lake Freeman is immeasurable to the area: Therefore,

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

SECTION 1. That the Indiana General Assembly supports community businesses and urges the federal government to give strong deference to the fiscal impact on local economies when determining a change is needed to the water levels of Lake Shafer and Lake Freeman.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the Indiana Congressional Delegation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hershman.

House Concurrent Resolution 65

Representatives Hale, Mahan, Zent, Cox, Karickhoff, Klinker, Macer, Cook, Miller, VanNatter and Lawson introduced House Concurrent Resolution 65:

A CONCURRENT RESOLUTION recognizing Kiwanis International on the occasion of its 100th anniversary.

Whereas, Kiwanis International is one of the largest service organizations in the world, with more than 600,000 members of all ages and abilities in more than 80 nations;

Whereas, The world headquarters for Kiwanis International is located in Indianapolis;

Whereas, Kiwanis clubs include a family of service clubs for members of all ages, including Circle K International in colleges and universities, Key Clubs in high schools, Builders Clubs in middle schools, and Kiwanis Kids clubs in elementary schools;

Whereas, Kiwanis International offers Aktion Clubs, the only service club for adults who live with disabilities;

Whereas, Throughout Indiana, the members of these clubs are devoted to improving local and global communities around the world, one child and one community at a time;

Whereas, In addition to improving lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development, and community service;

Whereas, The first Kiwanis club was begun in Detroit, Michigan, in 1915; and

Whereas, Kiwanis celebrates its centennial anniversary in 2015: Therefore,

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

SECTION 1. That the Indiana General Assembly commends Kiwanis International for improving millions of lives in thousands of communities.

SECTION 2. That the Indiana General Assembly recognizes thousands of Kiwanis members across Indiana for making this state and its communities better places to live and work.

SECTION 3. That the Indiana General Assembly urges Governor Pence to proclaim June 26, 2015, as Kiwanis Day in Indiana as thousands of Kiwanis family members from around the world will come together in Indianapolis to celebrate the 100th anniversary of Kiwanis.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the leadership of Kiwanis International.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Messmer.

House Resolution 43

Representatives Koch and Goodin introduced House Resolution 43:

A HOUSE RESOLUTION congratulating the Brown County Junior High School "We the People" team for winning the 2013-2014 national championship and the 2014-2015 state championship, while wishing the team good luck at the 2014-2015 national competition.

Whereas, On April 8, 2014, the 2013-2014 Brown County Junior High School team won the second annual "We The People: The Citizen and the Constitution" National Invitational held at George Mason University;

Whereas, On December 16, 2014, the 2014-2015 Brown County Junior High School team won the "We the People" state championship for the fifth consecutive year;

Whereas, On April 24-27, 2015, the Brown County team will represent its community and state in the third annual "We the People" Middle School National Invitational;

Whereas, The "We the People" program was developed by the Center for Civic Education and is funded by the U.S. Department of Education, pursuant to an act of Congress, with the goal of promoting civic responsibility and competence in students;

Whereas, Students in grades 4-12 participate in the program; and

Whereas, Involvement with the "We the People" competition allows students to develop a greater understanding of democratic principles and prepares Indiana youth for a future that will encourage their knowledge of and participation in our democratic system of government: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Brown County Junior High School "We the People" team and wishes its team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the 2013-2014 team members: Autumn Anna-Jeanine Bryant, Lauren Mari Burker, Corinna Rae Cagle, Jordan Allen Dolph, Allison Morgan Drew, Story Lee-An Ellis, Adriana Jade Fonseca, Solei Charizma Garland, Kaiden Matthew Hinds, Emma Renee Hoskins, Grace Ann Jackson, Alivia Louise Johnson, Grace Nicole Lee, Kathleen Rose McCann, Hallee Briell Miller, Elizabeth May Moore, Abraham James Oliver, Faith Nicole Parry, Lane Scott Rice, Taylor Makaya Jade Roberts, Wesley William Ryan, Ezra James Scully, Kaitlyn Michele Spires, Leah Marie Tucker, Benjamin Tyler Wildman, and coach Michael Potts; and the 2014-2015 team members: Chloe Jean Barnes, Madison Nicole Bickley, Shaelyn Breann Biddle, Samuel Alexander Bowman, Julita Kaye Cridlin, Evelyn June Crimmins, Magdalen Ann Crimmins, Wolfgang Van Thienen Davis, Marino Allen Dolph, Mekenzie Sue Dunnuck, Zelton Elijah Kay, Baelyn Tai Koester, Kortnee Mykal Lucas, Jackson Charles McPheeters, Layton Jesse Mosier, Kiera Nichole Omberg, Joshua Thomas Parry, Caly Foster Rice, Madison Grace Westcott, Dasia Kaylie Wilkerson, and Leo James Williams.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 6, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "JULY 1, 2015]:" and insert "UPON PASSAGE]:".

Page 1, line 7, delete "JULY" and insert "UPON PASSAGE]:".

Page 1, line 8, delete "1, 2015]:".

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

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) As used in this SECTION, "powdered or crystalline alcohol" means alcohol in a powdered or crystalline form, for either direct use or reconstitution.

(c) The general assembly urges the legislative council to assign to the public policy interim study committee during the 2015 legislative interim the topic of prohibiting or restricting possessing, purchasing, selling, offering to sell, or using powdered or crystalline alcohol. If the committee is assigned the topic for study, the committee may study any other issues the committee considers to be relevant to the topic.

(d) If the public policy interim study committee is assigned the topic described in subsection (c), the committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.

(e) This SECTION expires December 31, 2015.

SECTION 4. **An emergency is declared for this act.**".

(Reference is to SB 6 as printed February 20, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 8, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 8 as printed January 15, 2015.)

Committee Vote: Yeas 10, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 177, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 177 as printed February 11, 2015.)

Committee Vote: Yeas 10, Nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 311 as printed January 14, 2015.)

Committee Vote: Yeas 11, Nays 0.

BEUMER, Acting Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 390, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 13 through 22, begin a new paragraph and insert:

"**(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 390 as reprinted February 24, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEUMER, Acting Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 406, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "IC 16-42-26," and insert "**IC 16-42-27,**".

Page 1, line 14, delete "IC 16-42-26," and insert "**IC 16-42-27,**".

Page 1, line 14, delete "IC 16-42-26-1." and insert "**IC 16-42-27-1.**".

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 3. IC 16-18-2-338.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 338.3. "Standing order", for purposes of IC 16-31 and**

IC 16-42-27, means:

(1) a written order; or

(2) an order transmitted by other means of communication;

that is prepared by a person authorized to write a prescription for the distribution and administration of an overdose intervention drug, including any actions and interventions to be used in order to ensure timely access to treatment.".

Page 2, delete lines 10 through 15.

Page 2, line 18, after "order," insert "**standing order,**".

Page 2, line 27, after "order," insert "**standing order,**".

Page 2, delete line 35, begin a new paragraph and insert:

"SECTION 5. IC 16-31-3-23.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 23.7. An advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter, a volunteer firefighter, a law enforcement officer, or a paramedic who:**

(1) administers an overdose intervention drug; or

(2) is summoned immediately after administering the overdose intervention drug;

shall report the number of times an overdose intervention drug is dispensed to the state department under the state trauma registry in compliance with rules adopted by the state department.

SECTION 6. IC 16-31-6-2.5, AS ADDED BY P.L.156-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) Except for an act of gross negligence or willful misconduct, an advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter or volunteer firefighter, a law enforcement officer, or a paramedic who administers an overdose intervention drug according to standards established by:

(1) the department or agency that oversees the individual's employment in providing emergency medical services; or

(2) the commission under IC 16-31-2-9;

to an individual suffering from an overdose is immune from **criminal and** civil liability for acts or omissions when administering the drug.

(b) If:

(1) an advanced emergency medical technician;

(2) an emergency medical responder;

(3) an emergency medical technician;

(4) a firefighter or volunteer firefighter;

(5) a law enforcement officer; or

(6) a paramedic;

is immune from **criminal or** civil liability for the individual's act or omission **when administering an overdose intervention drug,** a person who has only an agency relationship with the advanced emergency medical technician, emergency medical responder, emergency medical technician, firefighter or volunteer firefighter, law enforcement officer, or paramedic is also immune from **criminal or** civil liability for the act or omission.".

Page 2, line 36, delete "IC 16-42-26" and insert "IC 16-42-27".

Page 2, line 39, delete "26." and insert "**27.**".

Page 3, line 6, after "may" insert "**, directly or by standing order,**".

Page 3, line 13, after "member," insert "**a**".

Page 3, line 13, after "or" insert "**any**".

Page 3, line 13, after "individual" insert "**or entity**".

Page 3, between lines 21 and 22, begin a new line block indented and insert:

"**(3) An entity acting under a standing order issued by a prescriber must do the following:**

(A) Annually register with either the:

(i) state department; or

(ii) local health department in the county where services will be provided by the entity.

(B) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that include a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(C) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(b) A prescriber may provide a prescription of an overdose intervention drug to an individual as a part of the individual's addiction treatment plan.

(c) An individual described in subsection (a)(1) may administer an overdose intervention drug to an individual who is suffering from an overdose.".

Page 3, line 22, delete "(b)" and insert "**(d)**".

Page 3, delete lines 33 through 37.

Page 4, delete lines 2 through 12, begin a new paragraph and insert:

"**(c) An individual or entity described in section 2(a)(1) of this chapter is immune from both criminal and civil liability for the following actions:**

(1) Obtaining an overdose intervention drug under this chapter.

(2) Administering an overdose intervention drug in good faith.

(3) Acting under a standing order under this chapter.".

Page 4, line 15, delete "IC 16-42-26-3" and insert "**IC 16-42-27-3**".

Page 4, delete lines 18 through 42.

Delete pages 5 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 406 as reprinted February 10, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 474, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 474 as printed January 28, 2015.)

Committee Vote: Yeas 10, Nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 516, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 16, begin a new paragraph and insert:

"SECTION 2. IC 8-1-31-5, AS AMENDED BY P.L.209-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. As used in this chapter, "eligible infrastructure improvements" means new used and useful water or wastewater utility **distribution or collection** plant projects that:

(1) do not increase revenues by connecting ~~a distribution~~

~~or collection system~~ to new customers; **and**

(2) **either:**

(A) for a public utility:

(i) are in service; and

~~(3)~~ **(ii)** were not included in the public utility's rate base in its most recent general rate case; **or**

(B) for a municipally owned or not-for-profit utility:

(i) were put in service or approved by the commission for funding after the utility's pro forma test year in its most recent general rate case; and

(ii) are not subject to another rate adjustment mechanism.".

Page 2, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 516 as printed February 17, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 523, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-34-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This subsection applies before July 1, 2018.** The small claims court is not a court of record. **A person who wishes to appeal the judgment of a small claims court entered before July 1, 2018, shall appeal the case to the circuit or superior court under IC 33-34-3-15.**

(b) This subsection applies after June 30, 2018. The small claims court is a court of record. A person who wishes to appeal the judgment of a small claims court entered after June 30, 2018, shall appeal the case to the court of appeals in accordance with IC 33-34-3-15.1.

(c) This subsection applies after June 30, 2018. Notwithstanding any other law, the elected constable shall continue to serve the court's personal service of process even after the court becomes a court of record.

SECTION 2. IC 33-34-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) This subsection applies before July 1, 2018. Unless a township board adopts a resolution requiring a court to be a part-time court,** a division of the small claims court must be a full-time ~~division or a part-time division as determined by the individual township boards following a hearing conducted under section 7 of this chapter.~~ **court.**

(b) This subsection applies after July 1, 2018. Every small claims court must be a full-time court.

SECTION 3. IC 33-34-1-7, AS AMENDED BY P.L.174-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A hearing must be conducted to obtain evidence, opinions, advice, and suggestions from public officials and the general public concerning:

(1) whether a small claims court should be established or abolished in the township, if the township has a population of less than fifteen thousand (15,000) persons;

~~(2) whether the small claims court should be full time or part time;~~

~~(3)~~ **(2)** the location of the small claims court courtroom and offices; and

~~(4)~~ **(3)** other relevant matters.

SECTION 4. IC 33-34-1-9, AS AMENDED BY P.L.174-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township board shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

(1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;

~~(2) whether the small claims court if any, shall function full time or part time;~~

~~(3)~~ **(2)** the location of the small claims court courtroom and offices under IC 33-34-6-1; and

~~(4)~~ **(3)** other relevant matters.

SECTION 5. IC 33-34-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The **annual** salary of a judge who serves full time ~~must be in an amount determined by the township board of the township in which the small claims court is located.~~ **is equal to eighty percent (80%) of the minimum salary paid by the state to the Marion County circuit court judge.**

(b) The salary of each judge who serves part time must be in an amount determined by the township board and approved by the city-county council. **This subsection expires July 1, 2018.**

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any ~~full-time or~~ part-time judge may be increased or decreased by the township board of the township in which the small claims court is located. **This subsection expires July 1, 2018.**

SECTION 6. IC 33-34-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A judge serving part-time may participate in other gainful employment if the employment does not:

(1) interfere with the exercise of the judge's judicial office; or

(2) involve any conflict of interest in the performance of the judge's judicial duties.

This subsection expires July 1, 2018.

(b) A judge serving full time: ~~may practice law if the practice does not conflict in any way with the judge's official duties and does not:~~

(1) ~~cause the judge to be unduly absent from the court; or~~ **shall devote full time to judicial duties; and**

(2) ~~interfere with the ready and prompt disposal of the judge's judicial duties.~~ **may not engage in the practice of law.**

SECTION 7. IC 33-34-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This subsection applies before July 1, 2018.** The court has original and concurrent jurisdiction with the circuit and superior courts in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars ($6,000), not including interest or attorney's fees.

(b) This subsection applies after June 30, 2018. The court has original and concurrent jurisdiction with the circuit and superior courts in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed eight thousand dollars ($8,000), not including interest or attorney's fees.

SECTION 8. IC 33-34-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This subsection applies before July 1, 2018.** The court has original and concurrent jurisdiction with the circuit and superior courts in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars ($6,000). The court also has original and concurrent jurisdiction with the circuit and superior courts in actions for the possession of property where the value of the property sought to

be recovered does not exceed six thousand dollars ($6,000). These jurisdictional limitations are not affected by interest and attorney's fees.

(b) This subsection applies after June 30, 2018. The court has original and concurrent jurisdiction with the circuit and superior courts in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed eight thousand dollars ($8,000). The court also has original and concurrent jurisdiction with the circuit and superior courts in actions for the possession of property where the value of the property sought to be recovered does not exceed eight thousand dollars ($8,000). These jurisdictional limitations are not affected by interest and attorney's fees.

SECTION 9. IC 33-34-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a)** The judge of the circuit court, assisted by the judges of the small claims court, shall make and adopt uniform rules for conducting the business of the small claims court:

(1) according to a simplified procedure; and

(2) in the spirit of sections 7 and 9 of this chapter.

(b) The judge of the circuit court, assisted by the judges of the small claims court, shall make and adopt uniform rules for practice and procedure in the small claims courts.

SECTION 10. IC 33-34-3-15, AS AMENDED BY P.L.201-2011, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) **This section applies only to a judgment of the small claims court entered before July 1, 2018.**

(b) All appeals from judgments of the small claims court shall be taken to the circuit court or superior court of the county and tried de novo.

~~(b)~~ **(c)** The rules of procedure for appeals must be in accordance with the rules established by the circuit court and superior court.

~~(c)~~ **(d)** The appellant shall pay all costs necessary for the filing of the case in the circuit court or superior court, as if the appeal were a case that had been filed initially in that court.

SECTION 11. IC 33-34-3-15.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.1. (a) This section applies only to a judgment of the small claims court entered after June 30, 2018.**

(b) All appeals from judgments of the small claims court shall be taken to the court of appeals in the same manner as a judgment from a circuit or superior court.

SECTION 12. IC 33-34-7-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) The small claims courts shall use the Odyssey case management system administered by the supreme court not later than July 1, 2016.**

(b) The judge of a small claims court is responsible for:

(1) preparing and submitting the court's budget to the township advisory board; and

(2) after the budget has been approved by the township advisory board, managing the budget of the small claims court.

SECTION 13. IC 33-34-8-3, AS AMENDED BY P.L.136-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate.

(b) This subsection applies only to a low caseload court (as defined in sections 5 and 5.1 of this chapter). All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(c) This subsection does not apply to a low caseload court. This subsection applies to all other township small claims courts in Marion County. One dollar ($1) of the township docket fee shall be paid to the township trustee of each low caseload court at the end of each month. The remaining township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

~~(b)~~ **(d)** The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2;

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, by the court under IC 33-37-5-31; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

~~(c)~~ **(e)** The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection ~~(b)(1)(C)~~ **(d)(1)(C)** to fund the operations of the small claims court in the trustee's township.

SECTION 14. IC 33-34-8-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) This section applies after December 31, 2015.**

(b) As used in this section, "low caseload court" means, for a calendar year, a court that, in the preceding calendar year:

(1) had a caseload of less than three thousand two hundred (3,200) cases; and

(2) was one (1) of the two (2) courts with the lowest caseload.

(c) Before January 1 of each year, the circuit court judge shall determine whether a court is a low caseload court.

(d) If the circuit court judge determines that one (1) or more courts is a low caseload court, the circuit court judge shall certify these courts as low caseload courts and notify the clerk of each township small claims court. Not more than two (2) courts may be certified as a low caseload court.

SECTION 15. IC 33-34-8-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. (a) This section applies before January 1, 2016.**

(b) As used in this section, "low caseload court" means, until January 1 of the following year, a court that, after December 30, 2014, and before July 1, 2015:

(1) had a caseload of less than one thousand six hundred (1,600) cases; and

(2) was one (1) of the two (2) courts with the lowest caseload.

(c) After June 15, 2015, and before July 1, 2015, the circuit court judge shall determine, for the period beginning after December 30, 2014, and before July 1, 2015, whether a court is a low caseload court.

(d) If the circuit court judge determines that one (1) or more courts is a low caseload court, the circuit court judge shall certify these courts as low caseload courts and notify the clerk of each township small claims court. Not more than two (2) courts may be a low caseload court.

(f) This section expires January 1, 2016.

SECTION 16. **An emergency is declared for this act.**

(Reference is to SB 523 as reprinted February 24, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 559, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 23, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 17. IC 35-50-2-8, AS AMENDED BY P.L.168-2014, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The state may seek to have a person sentenced as a habitual offender for a felony by alleging, on one (1) or more pages separate from the rest of the charging instrument, that the person has accumulated the required number of prior unrelated felony convictions in accordance with this section.

(b) A person convicted of murder or of a Level 1 through Level 4 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies; and

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony.

(c) A person convicted of a Level 5 felony is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of two (2) prior unrelated felonies;

(2) at least one (1) of the prior unrelated felonies is not a Level 6 felony or a Class D felony; and

(3) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(d) A person convicted of a ~~Level~~ ~~6~~ felony **offense** is a habitual offender if the state proves beyond a reasonable doubt that:

(1) the person has been convicted of three (3) prior unrelated felonies; and

(2) if the person is alleged to have committed a prior unrelated:

(A) Level 5 felony;

(B) Level 6 felony;

(C) Class C felony; or

(D) Class D felony;

not more than ten (10) years have elapsed between the time the person was released from imprisonment, probation, or parole (whichever is latest) and the time the person committed the current offense.

(e) The state may not seek to have a person sentenced as a habitual offender for a felony offense under this section if the current offense is a misdemeanor that is enhanced to a felony in the same proceeding as the habitual offender proceeding solely because the person had a prior unrelated conviction. However, a prior unrelated felony conviction may be used to support a habitual offender determination even if the sentence for the prior unrelated offense was enhanced for any reason, including an enhancement because the person had been convicted of another offense.

(f) A person has accumulated two (2) or three (3) prior unrelated felony convictions for purposes of this section only if:

(1) the second prior unrelated felony conviction was committed after commission of and sentencing for the first prior unrelated felony conviction;

(2) the offense for which the state seeks to have the person sentenced as a habitual offender was committed after commission of and sentencing for the second prior unrelated felony conviction; and

(3) for a conviction requiring proof of three (3) prior unrelated felonies, the third prior unrelated felony conviction was committed after commission of and sentencing for the second prior unrelated felony conviction.

(g) A conviction does not count for purposes of this section as a prior unrelated felony conviction if:

(1) the conviction has been set aside; or

(2) the conviction is one for which the person has been pardoned.

(h) If the person was convicted of the felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3. The role of the jury is to determine whether the defendant has been convicted of the unrelated felonies. The state or defendant may not conduct any additional interrogation or questioning of the jury during the habitual offender part of the trial.

(i) The court shall sentence a person found to be a habitual offender to an additional fixed term that is between:

(1) six (6) years and twenty (20) years, for a person convicted of murder or a Level 1 through Level 4 felony; or

(2) two (2) years and six (6) years, for a person convicted of a Level 5 or Level 6 felony.

An additional term imposed under this subsection is nonsuspendible.

(j) Habitual offender is a status that results in an enhanced sentence. It is not a separate crime and does not result in a consecutive sentence. The court shall attach the habitual offender enhancement to the felony conviction with the highest sentence imposed and specify which felony count is being enhanced. If the felony enhanced by the habitual offender determination is set aside or vacated, the court shall resentence the person and apply the habitual offender enhancement to the felony conviction with the next highest sentence in the underlying cause, if any.

(k) A prior unrelated felony conviction may not be collaterally attacked during a habitual offender proceeding unless the conviction is constitutionally invalid.

(l) The procedural safeguards that apply to other criminal charges, including:

(1) the requirement that the charge be filed by information or indictment; and

(2) the right to an initial hearing;

also apply to a habitual offender allegation.

SECTION 18. IC 35-50-2-11, AS AMENDED BY P.L.152-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "offense" means:

(1) a felony under IC 35-42 that resulted in death or serious bodily injury;

(2) kidnapping; or

(3) criminal confinement as a Level 2 or Level 3 felony.

(c) As used in this section, "police officer" means any of the following:

(1) A state police officer.

(2) A county sheriff.

(3) A county police officer.

(4) A city police officer.

(5) A state educational institution police officer appointed under IC 21-39-4.

(6) A school corporation police officer appointed under IC 20-26-16.

(7) A police officer of a public or private postsecondary educational institution whose board of trustees has established a police department under IC 21-17-5-2 or IC 21-39-4-2.

(8) An enforcement officer of the alcohol and tobacco commission.

(9) A conservation officer.

~~(c)~~ **(d)** The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense.

(e) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony or misdemeanor other than an offense (as defined under subsection (b)) sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person, while committing the felony or misdemeanor, knowingly or intentionally:

(1) pointed a firearm; or

(2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer.

~~(d)~~ **(f)** If the person was convicted of:

(1) the offense **under subsection (d); or**

(2) the felony or misdemeanor under subsection (e);

in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

~~(e)~~ **(g)** If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally used a firearm in the commission of the offense **under subsection (d),** the court may sentence the person to an additional fixed term of imprisonment of between five (5) years and twenty (20) years.

(h) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person, while committing a felony or misdemeanor under subsection (e), knowingly or intentionally:

(1) pointed a firearm; or

(2) discharged a firearm;

at an individual whom the person knew, or reasonably should have known, was a police officer, the court may sentence the person to an additional fixed term of imprisonment of between five (5) and twenty (20) years.

(i) A person may not be sentenced under subsections (g) and (h) for offenses, felonies, and misdemeanors comprising a single episode of criminal conduct.".

Delete page 24.

(Reference is to SB 559 as reprinted February 4, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WASHBURNE, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1 , the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 2, 33, 293, 324, 355, 461, 484 and 531.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 522

Representative Smaltz called down Engrossed Senate Bill 522 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 364: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 425

Representative Lehman called down Engrossed Senate Bill 425 for third reading:

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

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

Roll Call 365: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 395

Representative Arnold called down Engrossed Senate Bill 395 for third reading:

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

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

Roll Call 366: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:45 p.m. with the Speaker in the

Chair.

Upon request of Representative Wright, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 367: 77 present. The Speaker declared a quorum present.

Representative V. Smith, who had been present, is now excused.

Representatives Pryor, M. Smith, Frizzell, Lawson and Pelath, who had been excused, are now present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 252

Representative Eberhart called down Engrossed Senate Bill 252 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 380

Representative Slager called down Engrossed Senate Bill 380 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 380–1)

Mr. Speaker: I move that Engrossed Senate Bill 380 be amended to read as follows:

Page 4, line 6, delete "team model as developed" and insert "**teams.**".

Page 4, delete line 7.

(Reference is to ESB 380 as printed March 27, 2015.)

SLAGER

Motion prevailed. The bill was ordered engrossed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 50 Conferees: Bosma replacing Lawson

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 267, has had the same under consideration and begs leave to report the same back to the House 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 education and to make an appropriation.

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

"SECTION 1. IC 20-20-41 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 41. Dual Language Pilot Program

Sec. 1. The department, with the approval of the state board, shall establish and maintain a dual language immersion pilot program to provide grants to school corporations and charter schools that establish dual language immersion programs in:

(1) Chinese;

(2) Spanish;

(3) French; or

(4) any other language approved by the department.

Sec. 2. A school corporation or charter school may be eligible to receive a grant under this chapter if:

(1) the school corporation or charter school uses an instructional model that provides at least fifty percent (50%) of its instruction in English and fifty percent (50%) of its instruction in a language described in section 1 of this chapter;

(2) the program that uses an instructional model described in subdivision (1) begins either in kindergarten or in grade 1; and

(3) the program described in subdivision (2) meets any other requirements established by the department, with the approval of the state board.

Sec. 3. A school corporation or charter school desiring to receive a grant under this chapter shall apply to the department for a grant in the manner and on a form prescribed by the department.

Sec. 4. (a) The dual language immersion pilot program fund is established to be used to provide grants under this chapter.

(b) The fund consists of:

(1) appropriations made by the general assembly; and

(2) gifts and donations to the fund.

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

(d) The expenses of administering the fund shall be paid from money in the fund.

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

(f) 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.

Sec. 5. The state board may establish rules necessary to administer this chapter.".

Page 2, line 22, after "language" insert "**and English**".

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

"SECTION 2. IC 20-34-7-6, AS ADDED BY P.L.34-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this section, "football" does not include flag football.

(b) ~~Beginning July 1, 2014,~~ Prior to coaching football to individuals who are less than twenty (20) years of age **and are in grades 1 through 12,** each head football coach and assistant football coach shall complete a certified coaching education course that:

(1) is sport specific;

(2) contains player safety content, including content on:

(A) concussion awareness;

(B) equipment fitting;

(C) heat emergency preparedness; and

(D) proper technique;

(3) requires a coach to complete a test demonstrating comprehension of the content of the course; and

(4) awards a certificate of completion to a coach who successfully completes the course.

(c) For a coach's completion of a course to satisfy the requirement imposed by subsection (b), the course must have been approved by the department.

(d) A coach shall complete a course not less than once during a two (2) year period. However, if the coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach must:

(1) complete instruction; and

(2) successfully complete a test;

concerning the new information to satisfy the requirement imposed by subsection (b).

(e) An organizing entity shall maintain a file of certificates of completion awarded under subsection (b)(4) to any of the organizing entity's head coaches and assistant coaches.

(f) A coach who complies with this section and provides

coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach provided coaching services, except for an act or omission by the coach that constitutes gross negligence or willful or wanton misconduct.

SECTION 3. [EFFECTIVE JULY 1, 2015] **(a) There is appropriated to the dual language immersion pilot program fund established by IC 20-20-41-4, as added by this act, five hundred thousand dollars ($500,000) from the state general fund for use in carrying out the purposes of the dual language immersion pilot program fund as described in IC 20-20-41-4, as added by this act.**

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

Renumber all SECTIONS consecutively.

(Reference is to SB 267 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 423, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 4.

Page 6, line 25, after "parties" insert "**:**

(1) agree to waive a determination by the county board and submit the dispute directly to the Indiana board; or

(2)".

Page 6, line 27, beginning with "A taxpayer" begin a new line blocked left.

Page 12, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-28-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12. (a) This section applies beginning January 1, 2016.**

(b) Each county property tax assessment board of appeals (referred to as the "county PTABOA" in this section) shall submit annually a report of the notices for review filed with the county PTABOA under IC 6-1.1-15-1(c) and IC 6-1.1-15-1(d) in the preceding year to the department of local government finance, the Indiana board of tax review, and the legislative services agency before April 1 of each year. A report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

(c) The report required by subsection (b) must include the following information:

(1) The total number of notices for review filed with the county PTABOA.

(2) The notices for review, either filed or pending during the year, that were resolved during the year by a preliminary informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j).

(3) The notices for review, either filed or pending during the year, in which a hearing was conducted during the year by the county PTABOA under IC 6-1.1-15-1(k).

(4) The number of written decisions issued during the year by the county PTABOA under IC 6-1.1-15-1(o).

(5) The number of notices for review pending with the county PTABOA on

December 31 of the reporting year.

(6) The number of reviews resolved through a preliminary informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j) that were:

(A) resolved in favor of the taxpayer;

(B) resolved in favor of the assessor; or

(C) resolved in some other manner.

(7) The number of reviews resolved through a written decision issued during the year by the county PTABOA under IC 6-1.1-15-1(o) that were:

(A) resolved in favor of the taxpayer;

(B) resolved in favor of the assessor; or

(C) resolved in some other manner.

The report may not include any confidential information.".

Delete pages 13 through 18.

Page 19, delete lines 1 through 16.

Page 19, line 18, delete "This section".

Page 19, delete line 19.

Page 19, line 20, delete "established under section 1 of this chapter.".

Page 20, line 1, delete "for the county in which the".

Page 20, line 2, delete "property that is subject to assessment is located," and insert ",".

Page 20, delete lines 11 through 42.

Delete pages 21 through 22.

Page 23, delete lines 1 through 15.

Page 24, delete lines 6 through 41.

Renumber all SECTIONS consecutively.

(Reference is to SB 423 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 441, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, delete lines 22 through 42.

Page 11, delete lines 1 through 25.

Page 28, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 13. IC 6-3-2-2, AS AMENDED BY P.L.233-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

(1) income from real or tangible personal property located in this state;

(2) income from doing business in this state;

(3) income from a trade or profession conducted in this state;

(4) compensation for labor or services rendered within this state; and

(5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property to the extent that the income is apportioned to Indiana under this section or if the income is allocated to Indiana or considered to be derived from sources within Indiana under this section.

Income from a pass through entity shall be characterized in a manner consistent with the income's characterization for federal income tax purposes and shall be considered Indiana source income as if the person, corporation, or pass through entity that received the income had directly engaged in the income producing activity. Income that is derived from one (1) pass through entity and is considered to pass through to another pass

through entity does not change these characteristics or attribution provisions. In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter), only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (r) is considered derived from sources within Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by the following:

(1) For all taxable years that begin after December 31, 2006, and before January 1, 2008, a fraction. The:

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus the product of the sales factor multiplied by three (3); and

(B) denominator of the fraction is five (5).

(2) For all taxable years that begin after December 31, 2007, and before January 1, 2009, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and

(B) denominator of the fraction is six and sixty-seven hundredths (6.67).

(3) For all taxable years beginning after December 31, 2008, and before January 1, 2010, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eight (8); and

(B) denominator of the fraction is ten (10).

(4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and

(B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning after December 31, 2010, the sales factor.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

(1) the individual's service is performed entirely within the state;

(2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or

(3) some of the service is performed in this state and:

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or

(B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter. Regardless of the f.o.b. point or other conditions of the sale, sales of tangible personal property are in this state if:

(1) the property is delivered or shipped to a purchaser that is within Indiana, other than the United States government; or

(2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and

~~(A)~~ the purchaser is the United States government. ~~or (B) the taxpayer is not taxable in the state of the purchaser.~~

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 **and from the sale of computer software** shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than receipts from intangible property covered by subsection (e) and sales of tangible personal property, are in this state if:

(1) the income-producing activity is performed in this state; or

(2) the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

(i) if and to the extent that the property is utilized in this state; or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the

laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale; or

(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

(i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or

(ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(1) separate accounting;

(2) for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of the factors, except the sales factor;

(3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or

(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

(1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

(1) a foreign corporation; or

(2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.

(r) This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

(1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and

(2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's annual statement filed with the department of insurance.

(s) This subsection applies to receipts derived from motorsports racing.

(1) Any purse, prize money, or other amounts earned for placement or participation in a race or portion thereof, including qualification, shall be attributed to Indiana if the race is conducted in Indiana.

(2) Any amounts received from an individual or entity as a result of sponsorship or similar promotional consideration for one (1) or more races shall be in this state in the amount received, multiplied by the following fraction:

(A) The numerator of the fraction is the number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year and that occur in Indiana.

(B) The denominator of the fraction is the total number

of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year.

(3) Any amounts earned as an incentive for placement or participation in one (1) or more races and that are not covered under subdivisions (1) or (2) or under IC 6-3-2-3.2 shall be attributed to Indiana in the proportion of the races that occurred in Indiana.

This subsection, as enacted in 2013, is intended to be a clarification of the law and not a substantive change in the law.

(t) Sales of a broadcaster that arise from or relate to the broadcast or other distribution of film programming or radio programming by any means are in this state if the commercial domicile of the broadcaster's customer is in this state. Sales to which this subsection applies include income from advertising and licensing income from distributing film programming or radio programming. For purposes of this subsection, the following definitions apply:

(1) "Broadcaster" means a taxpayer that is a television or radio station licensed by the Federal Communications Commission, a television or radio broadcast network, a cable program network, or a television distribution company. The term "broadcaster" does not include a cable service provider or a direct broadcast satellite system.

(2) "Commercial domicile" has the meaning set forth in IC 6-3-1-22.

(3) "Customer" means a person, corporation, partnership, limited liability company, or other entity, such as an advertiser or licensee, that has a direct connection or contractual relationship with the broadcaster under which revenue is derived by the broadcaster. The term "customer" does not include an advertising agency placing advertising on behalf of its client. The client of such an advertising agency is the customer.

(4) "Film programming" means one (1) or more performances, events, or productions (or segments of performances, events, or productions) intended to be distributed for visual and auditory perception, including but not limited to news, entertainment, sporting events, plays, stories, or other literary, commercial, educational, or artistic works.

(5) "Radio programming" means one (1) or more performances, events, or productions (or segments of performances, events, or productions) intended to be distributed for auditory perception, including but not limited to news, entertainment, sporting events, plays, stories, or other literary, commercial, educational, or artistic works.".

Page 32, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 21. IC 6-3-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 18. (a) As used in this section, "eligible medical expense" has the meaning set forth in IC 6-8-11-3.

(b) As used in this section, "medical care savings account" has the meaning set forth in IC 6-8-11-6.

(c) **This subsection applies only to money deposited by an employer in a medical care savings account before January 1, 2016.** Except as provided in subsection (g), the amount of money deposited by an employer in a medical care savings account established for an employee under IC 6-8-11 is exempt from taxation under IC 6-3-1 through IC 6-3-7 as income of the employee in the taxable year in which the money is deposited in the account.

(d) Except as provided in subsection (g), the amount of money that is:

(1) withdrawn from a medical care savings account established for an employee under IC 6-8-11; and

(2) either:

(A) used by the administrator of the account for a purpose set forth in IC 6-8-11-13; or

(B) used under IC 6-8-11-13 to reimburse an employee for eligible medical expenses that the employee has incurred and paid for medical care for the employee or a dependent of the employee;

is exempt from taxation under IC 6-3-1 through IC 6-3-7 as income of the employee.

(e) Except as provided in IC 6-8-11-11 **and IC 6-8-11-11.5,** in each taxable year, the amount of money that is:

(1) withdrawn by an employee from a medical care savings account established under IC 6-8-11; and

(2) used for a purpose other than the purposes set forth in IC 6-8-11-13;

is income to the employee that is subject to taxation under IC 6-3-1 through IC 6-3-7.

(f) If an employee withdraws money from the employee's medical care savings account under the circumstances set forth in IC 6-8-11-17(c), the interest earned on the balance in the account during the full tax year in which the withdrawal is made is subject to taxation under IC 6-3-1 through IC 6-3-7 as income of the employee.

(g) A taxpayer that excluded or deducted an amount deposited into a medical care savings account from adjusted gross income under:

(1) section 106 of the Internal Revenue Code;

(2) section 220 of the Internal Revenue Code; or

(3) any other section of the Internal Revenue Code;

is not eligible for an additional exemption from adjusted gross income under this section.".

Page 33, line 36, after "any" insert "**a**".

Page 37, after line 42, begin a new paragraph and insert:

"SECTION 25. IC 6-3.1-16-7, AS AMENDED BY P.L.166-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 7. (a) Subject to section 14 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

(1) the taxpayer makes for the preservation or rehabilitation of historic property; and

(2) are approved by the office.

(c) In the case of a husband and wife who:

(1) own and rehabilitate a historic property jointly; and

(2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) A taxpayer is not entitled to a credit under this chapter for a contribution made in a taxable year beginning after December 31, 2015.

(e) This chapter expires January 1, 2019.".

Page 38, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 28. IC 6-3.1-21-6, AS AMENDED BY P.L.229-2011, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 6. (a) Except as provided by subsection (b), an individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code ~~as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312),~~ is eligible for a credit under this chapter equal to nine percent (9%) of the amount of the federal earned income tax credit that the individual:

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

(2) claimed for the taxable year;

under Section 32 of the Internal Revenue Code. ~~as it existed~~

~~before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).~~

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

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

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

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

SECTION 29. IC 6-3.1-22-8, AS AMENDED BY P.L.166-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 8. (a) Subject to section 14 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 9 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

(1) the taxpayer makes for the preservation or rehabilitation of historic property; and

(2) are approved by the office.

(c) In the case of a husband and wife who:

(1) own and rehabilitate a historic property jointly; and

(2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) A taxpayer may not claim a credit under this chapter for qualified expenditures approved in a taxable year beginning after December 31, 2015.

(e) This chapter expires January 1, 2033.".

Page 53, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 42. IC 6-8-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 9. (a) Except as otherwise provided by statute, contract, or a collective bargaining agreement, an employer may establish a medical care savings account program for the employer's employees.

(b) An employer that establishes a medical care savings account program under this chapter shall, before making any contributions to medical care savings accounts under the program, inform all employees in writing of the federal tax status of contributions made under this chapter.

(c) Except as provided in sections **11.5,** 17, and 23 of this chapter, the:

(1) principal contributed by an employer to a medical care savings account **before January 1, 2016;**

(2) interest earned on money on deposit in a medical care savings account; and

(3) money:

(A) paid out of a medical care savings account for eligible medical expenses; or

(B) used to reimburse an employee for eligible medical expenses;

are exempt from taxation as income of the employee under IC 6-3-2-18.

SECTION 43. IC 6-8-11-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 11.5. Notwithstanding sections 17 and 23 of this chapter, if an employer contributes money to an account under this chapter after December 31, 2015, for which no exemption applies under IC 6-3-2-18(c):**

(1) the money may be withdrawn from the account by the employee at any time and for any purpose without a penalty;

(2) the withdrawal of the money by the employee is not income to the employee that is subject to taxation under IC 6-3-1 through IC 6-3-7; and

(3) income earned on the money while it is in the account is not income to the employee that is subject to taxation under IC 6-3-1 through IC 6-3-7.

SECTION 44. IC 6-8-11-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 17. (a) An employee may, under this section, withdraw money from the employee's medical care savings account for a purpose other than the purposes set forth in section 13 of this chapter.

(b) Except as provided in ~~section~~ **sections** 11(b) **and 11.5** of this chapter, if an employee withdraws money from the employee's medical care savings account on the last business day of the account administrator's business year for a purpose not set forth in section 13 of this chapter:

(1) the money withdrawn is income to the individual that is subject to taxation under IC 6-3-2-18(e); but

(2) the withdrawal does not:

(A) subject the employee to a penalty; or

(B) make the interest earned on the account during the tax year taxable as income of the employee.

(c) Except as provided in ~~section~~ **sections** 11(b) **and 11.5** of this chapter, if an employee withdraws money for a purpose not set forth in section 13 of this chapter at any time other than the last business day of the account administrator's business year, all of the following apply:

(1) The amount of the withdrawal is income to the individual that is subject to taxation under IC 6-3-2-18(e).

(2) The administrator shall withhold and, on behalf of the employee, pay a penalty to the department of state revenue equal to ten percent (10%) of the amount of the withdrawal.

(3) All interest earned on the balance in the account during the tax year in which a withdrawal under this subsection is made is income to the individual that is subject to taxation under IC 6-3-2-18(f).

(d) Money paid to the department of state revenue as a penalty under this section shall be deposited in the local health maintenance fund established by IC 16-46-10-1.

SECTION 45. IC 6-8-11-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 23. (a) This section applies when the employment of an individual by an employer that participates in a medical care savings account program is terminated.

(b) If the former employer is not informed, within ninety (90) days after the former employee's final day of employment, of the name and address of an account administrator to which the former employer is transferring the former employee's medical care savings account under section 21 of this chapter, the former employer shall pay the money in the former employee's medical care savings account to the former employee under subsection (d).

(c) If:

(1) the former employee, under section 22(2) of this chapter, requests in writing that the former employer's account administrator remain the administrator of the individual's medical care savings account; and

(2) the account administrator does not agree to retain the account;

the former employer shall, within ninety (90) days after the former employee's final day of employment, pay the money in the former employee's medical care savings account to the former employee under subsection (d).

(d) An employer that is required under this section to pay the money in a former employee's medical care savings account to the former employee shall mail to the former employee, at the former employee's last known address, a check for the balance

in the account on the ninety-first day after the employee's final day of employment.

(e) Except as provided in ~~section~~ **sections** 11(b) **and 11.5** of this chapter, money that is paid to a former employee under subsection (d):

(1) is subject to taxation under IC 6-3-1 through IC 6-3-7 as income of the individual; but

(2) is not subject to the penalty referred to in section 17(c)(2) of this chapter.".

Page 57, delete lines 24 through 36, begin a new paragraph and insert:

"SECTION 50. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate study committee during the 2015 legislative interim the topic of virtual charter schools.**

(b) If the topic described in subsection (a) is assigned to a study committee, the study committee shall issue a final report to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2015.

(c) This SECTION expires January 1, 2016.

SECTION 51. [EFFECTIVE JANUARY 1, 2016] **(a) IC 6-3-1-3.5, IC 6-3-2-2, IC 6-3-2-13, IC 6-3-2-18, and IC 6-3.1-21-6, all as amended by this act, apply to taxable years beginning after December 31, 2015.**

(b) IC 6-3-2-5, IC 6-3-2-5.3, IC 6-3-2-14.5, IC 6-3-2-17, IC 6-3.5-1.1-7, IC 6-3.5-6-24, and IC 6-3.5-7-9, all as repealed by this act, do not apply to taxable years beginning after December 31, 2015.

(c) The legislative council shall provide for the preparation and introduction of legislation in the 2016 session of the general assembly to correct cross references and make other changes, as necessary, to bring provisions that are not added or amended by this act into conformity with this act.

(d) This SECTION expires July 1, 2019.".

Renumber all SECTIONS consecutively.

(Reference is to SB 441 as reprinted February 18, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 514, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 514 as printed January 30, 2015.)

Committee Vote: Yeas 12, Nays 0.

PRICE, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 174

Representative Frizzell called down Engrossed Senate Bill 174 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 368: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as a conference committee on Engrossed Senate Bill 50:

Conferees: M. Young, Chairman; and Senator Broden
Advisors: Long and Lanane

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferees appointments to Engrossed Senate Bill 50:

Conferees: Long replacing Broden

JENNIFER L. MERTZ
Principal Secretary of the Senate

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:55 p.m. with the Speaker in the Chair.

Upon request of Representative Pryor, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 369: 71 present. The Speaker declared a quorum present.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 288, has had the same under consideration and begs leave to report the same back to the House 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 state and local administration.

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-2, AS AMENDED BY P.L.183-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is

required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) If any officer charged with the duty of publishing any notice required by law is unable to procure advertisement:

(1) at the price fixed by law;

(2) because the newspaper refuses to publish the advertisement; or

(3) because the newspaper refuses to post the advertisement on the newspaper's Internet web site (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers and on an Internet web site (if required under section 1.5 of this chapter).

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter. This subsection expires January 1, 2015.

~~(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing. This subsection expires January 1, 2015.~~

(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing. This subsection expires January 1, 2021.

SECTION 2. IC 5-3-1-2.3, AS AMENDED BY P.L.183-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

(1) a reasonable person would not be misled by the error or omission; and

(2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

~~(b) This subsection applies if:~~

~~(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;~~

~~(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and~~

~~(3) the county auditor is responsible for the error or omission described in subdivision (2).~~

~~Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision. This subsection expires January 1, 2015.~~

(b) This subsection applies if:

(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;

(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and

(3) the county auditor is responsible for the error or omission described in subdivision (2).

Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision. This subsection expires January 1, 2021.

SECTION 3. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Computer processing time" means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request.

~~(b)~~ **(c)** "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

~~(c)~~ **(d)** "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

(1) the identification of; and

(2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

~~(d)~~ **(e)** "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

~~(e)~~ **(f)** "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

~~(f)~~ **(g)** "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

~~(g)~~ **(h)** "Facsimile machine" means a machine that

electronically transmits exact images through connection with a telephone network.

~~(h)~~ **(i)** "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

~~(i)~~ **(j)** "Investigatory record" means information compiled in the course of the investigation of a crime.

~~(j)~~ **(k)** "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

~~(k)~~ **(l)** "Patient" has the meaning set out in IC 16-18-2-272(d).

~~(l)~~ **(m)** "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(m)~~ **(n)** "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(n)~~ **(o)** "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

~~(o)~~ **(p)** "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(p)~~ **(q)** "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(q)~~ **(r)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(r)~~ **(s)** "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 4. IC 5-14-3-3, AS AMENDED BY P.L.134-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

(1) identify with reasonable particularity the record being requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). Within a reasonable time after the request is received by the agency, the public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or

(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

(1) In accordance with a contract described in section 3.5

of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.

(2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

(1) A list of employees of a public agency.

(2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.

(3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:

(A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;

(B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or

(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

(1) for the storage or copying of public records; or

(2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

(i) This subsection applies to a public record that is in an electronic format. This subsection does not apply to a public record recorded in the office of the county recorder. The public agency shall provide an electronic copy or a paper copy, at the option of the person making the request for a public record. This subsection does not require a public agency to change the format of a public record.

SECTION 5. IC 5-14-3-8, AS AMENDED BY P.L.16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter **for the following:**

(1) **For a person** to inspect a public record. ~~or~~

(2) For a person to search for a public record.

(3) For the public agency to search for a public record, if the search does not exceed two (2) hours.

~~(2)~~ **(4) For the public agency** to ~~search for,~~ examine or review a record to determine whether the record may be disclosed.

(5) For the public agency to transmit an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:

(A) subsection (f) or (j); or

(B) section 6(c) of this chapter.

(6) For a person (not including a commercial entity) to use a cellular telephone to copy a public record for a noncommercial purpose, if the public record contains the person's name.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents ($0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not

exceed five dollars ($5) per document. The fee for copying documents may not exceed the greater of:

(1) ten cents ($0.10) per page for copies that are not color copies or twenty-five cents ($0.25) per page for color copies; or

(2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for **search and** copying costs be made in advance.

(f) Notwithstanding subsection ~~(b),~~ **(b)(1), (b)(2), (b)(3),** (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court. **Notwithstanding subsection (b)(4), a public agency shall collect any certification or search fee that is specified by statute or is ordered by a court.**

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form.

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

(1) Public agency program support.

(2) Nonprofit activities.

(3) Journalism.

(4) Academic research.

(l) This subsection applies to a public agency that charges a fee for the public agency to search for a public record. A public agency may not charge a fee for the first two (2) hours required to search for a record. A public agency may charge a search fee for any time in excess of two (2) hours. If the public agency charges a search fee, the agency shall charge an hourly fee that does not exceed the lesser of:

(1) the hourly rate of the person making the search; or

(2) twenty dollars ($20) per hour.

A public agency charging an hourly fee under this subsection for searching for a record may charge only for time that the person making the search actually spends in searching for the record. A public agency may not charge for computer processing time, and may not establish a minimum fee for searching for a record. A public agency must make a good faith effort to complete a search for a record within a reasonable time in order to minimize the amount of a search fee. The fee shall be prorated to reflect any search time of less than one (1) hour. If a fee is charged by a public agency under subsection (g), (h), (i), or (j) for a public record, the public agency may not charge a fee for searching for the record under this subsection. A search fee collected by a department, an agency, or an office of a county, city, town, or township shall be deposited in the general fund of the county, city, town, or township.

SECTION 6. IC 6-1.1-17-3, AS AMENDED BY P.L.183-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall ~~(before January 1, 2015)~~ **(before January 1, 2021)** at least ten (10) days before the public hearing, give notice to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. The political subdivision or appropriate fiscal body shall ~~(before January 1, 2015)~~ **(before January 1, 2021)** publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice. The political subdivision shall submit this information to the department's computer gateway before September 14 of each year and at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by

the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section.

(b) For taxes due and payable in ~~2015 and~~ 2016, **2017, 2018, 2019, 2020, and 2021,** each county shall publish a notice in accordance with IC 5-3-1 in two (2) newspapers published in the county stating the Internet address at which the information under subsection (a) is **also** available and the telephone number through which taxpayers may request copies of a political subdivision's information under subsection (a). If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. The department of local government finance shall prescribe the notice. Notice under this subsection shall be published before September 14. Counties may seek reimbursement from the political subdivisions within their legal boundaries for the cost of the notice required under this subsection. The actions under this subsection shall be completed in the manner prescribed by the department.

(c) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(d) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(e) A political subdivision for which any of the information under subsection (a) is not ~~(before January 1, 2015)~~ **(before January 1, 2021)** published and is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(f) If a political subdivision or appropriate fiscal body timely publishes ~~(before January 1, 2015)~~ **(before January 1, 2021)** and timely submits the information under subsection (a) but subsequently discovers the information contains a typographical error, the political subdivision or appropriate fiscal body may request permission from the department to submit amended information to the department's computer gateway and ~~(before January 1, 2015)~~ **(before January 1, 2021)** to publish the amended information. However, such a request must occur not later than seven (7) days before the public hearing held under subsection (a). Acknowledgment of the correction of an error shall be posted on the department's computer gateway and communicated by the political subdivision or appropriate fiscal body to the fiscal body of the county in which the political subdivision and appropriate fiscal body are located.

SECTION 7. IC 6-1.1-17-16, AS AMENDED BY P.L.183-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) ~~(before its expiration)~~ applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). ~~(before its expiration).~~ The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county

auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15 of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance shall, unless the department finds extenuating circumstances, increase a political subdivision's tax levy to an amount that exceeds the amount originally advertised or adopted by the political subdivision if:

(1) the increase is requested in writing by the officers of the political subdivision;

(2) the requested increase is published on the department's advertising Internet web site and ~~(before January 1, 2015)~~ **(before January 1, 2021)** is published by the political subdivision according to a notice provided by the department; and

(3) notice is given to the county fiscal body of the error and the department's correction.

If the department increases a levy beyond what was advertised or adopted under this subsection, it shall, unless the department finds extenuating circumstances, reduce the certified levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars ($100,000).

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

SECTION 8. IC 36-4-7-6, AS AMENDED BY P.L.183-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Before the publication ~~(before January 1, 2015)~~ **(before January 1, 2021)** and before the submission of **the** notice of **the** budget estimates required by IC 6-1.1-17-3, each city shall formulate a budget estimate for the ensuing budget year in the following manner:

(1) Each department head shall prepare for the department head's department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure the department head anticipates.

(2) The city fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The city executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 9. IC 36-5-3-3, AS AMENDED BY P.L.183-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Before the publication ~~(before January 1, 2015)~~ **(before January 1, 2021)** and before the submission of **the** notice of **the** budget estimates required by IC 6-1.1-17-3, each town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner:

(1) Each department head shall prepare for the department head's department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure the department head anticipates.

(2) The town fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The town executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.".

Delete pages 2 through 3.

Page 4, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 288 as reprinted February 24, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

PRICE, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 47

The Speaker handed down Senate Concurrent Resolution 47, sponsored by Representative Bartlett:

A CONCURRENT RESOLUTION congratulating Cathedral High School's "We the People..." team on winning Indiana's 12th grade competition.

Whereas, "We the People: The Citizen and the Constitution" is a competition that consists of a mock congressional hearing that challenges students to evaluate, take, and defend positions of historical and modern issues;

Whereas, The class is a co-curricular program in which students complete college-level course work, and spend numerous hours outside of class preparing;

Whereas, Cathedral High School has won the 7th Congressional District "We the People…" competition the last 4 years;

Whereas, This is Cathedral High School's 2nd state championship in three years and the school will represent Indiana this April at the national competition in Washington, D.C.;

Whereas, At the district level, all six units won their respective events against other local schools;

Whereas, At the state level, Unit 1 members Alyssa Brelage, Paige Grimmer and Jon Hay had the combined highest score of all teams;

Wheras, At the state level, Unit 3 members Audrey Arbogast, Yul-heon Jun and Miah McLaurin, had the combined highest score of all teams;

Whereas, at the state level, Unit 4 members Meagan Ball, Michael Gillum and Julia Hinkes had the combined highest score of all teams;

Whereas, At the state level, Unit 2 members Meagan Ball, Alex Piccione and Brenda Zavala had the high score of the last

round of top 5 teams;

Whereas, At the state level, Unit 3 members Audrey Arbogast, Yul-heon Jun and Miah McLaurin had the high score of the last round of top 5 teams;

Whereas, At the state level, Unit 4 members Meagan Ball, Michael Gillum and Julia Hinkes had the high score of the last round of top 5 teams; and

Whereas, The excellent performance of all the Cathedral Students and Coaches: Audrey Arbogast, Meagan Ball, Alyssa Brelage, Michael Gillum, Paige Grimmer, Jonathan Hay, Julia Hinkes, Yul-heon Jun, Miah McLaurin, Alex Piccione, Brenda Zavala, Coach Jill Baisinger, Coach Bradley Berghoff, & Coach Harrison Nguyen should be recognized: 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 Cathedral High School's "We the People..." team on this momentous achievement and wishes them the best in all future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit 25 copies of this Resolution to the Coaches and Students of the "We the People..." team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 49

The Speaker handed down Senate Concurrent Resolution 49, sponsored by Representative Thompson:

A CONCURRENT RESOLUTION honoring Nancy Tolson upon her retirement as the Executive Director of the Indiana Retired Teachers Association.

Whereas, Nancy Tolson has served with distinction as the Executive Director of the Indiana Retired Teachers Association for the past two years;

Whereas, Prior to becoming the Executive Director, Nancy served two years as President of the Indiana Retired Teachers Association; Chairperson of the Public Relations Committee, the Members Concerns Committee, and the Legislative Committee; and as a member of the Board of Directors;

Whereas, During her tenure in the leadership of the Indiana Retired Teachers Association, Nancy was the number one advocate for retired educators in Indiana, lobbying for the benefit of all educators, and continues to be a zealous advocate for Indiana's system of public education;

Whereas, Nancy began her twenty-five year teaching career at Ben Davis Junior High School in Indianapolis;

Whereas, Nancy's dedication to her students made her an outstanding educator as she always remained highly involved, and participated in many extracurricular activities;

Whereas, Nancy has also served as a Court Appointed Special Advocate for children in Indianapolis since 2008;

Whereas, Nancy was married to her late husband Jack for fifty-eight years and they have three children together, Beth, Wendy, and Eric; seven grandchildren; and eight great grandchildren;

Whereas, Nancy plans to increase her caseload as a Court Appointed Special Advocate and hopes to serve third graders in Wayne Township through the Help One Student Achieve program;

Whereas, Nancy would also like to begin working with the National Honor Flight Program in memory of her beloved husband, Jack;

Whereas, It is fitting that the Indiana General Assembly gives special recognition to Nancy Tolson for her many years of teaching, her advocacy for retired educators, and her substantial commitments to education in the State of Indiana: Therefore,

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

SECTION 1. That the Indiana General Assembly honors Nancy Tolson upon her retirement as Executive Director of the Indiana Retired Teachers Association.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Nancy Tolson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

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

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 163.1 and recommends that it be suspended so that the following conference committee report may be eligible to be placed before the House for immediate action: Engrossed Senate Bill 50-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 163.1 be suspended so that the following conference committee report may be eligible to be placed before the House for immediate action: Engrossed Senate Bill 50-1.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
ESB 50–1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 50 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning judicial and administrative proceedings.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 34-13-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 0.7. This chapter does not:**

(1) authorize a provider to refuse to offer or provide services, facilities, use of public accommodations, goods, employment, or housing to any member or members of the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or United States military service;

(2) establish a defense to a civil action or criminal prosecution for refusal by a provider to offer or provide services, facilities, use of public accommodations, goods, employment, or housing to any member or members of the general public on the basis of race, color, religion, ancestry, age, national origin, disability, sex, sexual orientation, gender identity, or United States military service; or

(3) negate any rights available under the Constitution of the State of Indiana.

SECTION 2. IC 34-13-9-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. As used in this chapter, "provider" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, and other organized groups of persons. The term does not include:**

(1) A church or other nonprofit religious organization or society, including an affiliated school, that is exempt from federal income taxation under 26 U.S.C. 501(a), as amended (excluding any activity that generates unrelated business taxable income (as defined in 26 U.S.C. 512, as amended)).

(2) A rabbi, priest, preacher, minister, pastor, or designee of a church or other nonprofit religious organization or society when the individual is engaged in a religious or affiliated educational function of the church or other nonprofit religious organization or society.

(Reference is to ESB 50 as reprinted March 17, 2015.)

M. YOUNG	FRIZZELL
LONG	BOSMA
Senate Conferees	House Conferees

Roll Call 370: yeas 66, nays 30. Report adopted.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 7, 2015, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 50 on April 2.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 267 and 288 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Shackleford be added as cosponsor of Engrossed Senate Bill 406.

MCMILLIN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 463.

BROWN, T.

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Engrossed Senate Bill 509.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent and Wright be added as cosponsors of Engrossed Senate Bill 514.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 523.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wright be added as coauthor of House Concurrent Resolution 59.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wright be added as coauthor of House Concurrent Resolution 60.

RHOADS

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 51, 53 and 61 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 30, 33, 36, 42, 43, 44, 47, 48 and 49 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1080, 1104, 1159, 1161, 1196, 1236, 1471 and 1497 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1101, 1242, 1545 and 1613 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bill 50.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Morris, the House adjourned at 4:14 p.m., this second day of April, 2015, until Tuesday, April 7, 2015, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives