



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Thirty-second Meeting Day

Tuesday Afternoon

March 8, 2016

The Senate convened at 1:32 p.m., with the President of the Senate, Eric J. Holcomb, in the Chair.

LONG, Chair

Prayer was offered by Senator James R. Arnold.

Report adopted.

The Pledge of Allegiance to the Flag was led by Senator Arnold.

COMMITTEE REPORT

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

Mr. President: Pursuant to Rule 86(k) your Senate Committee on Rules & Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bill 324 and Engrossed House Bill 1263 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

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

Report adopted.

SENATE MOTION

Mr. President: I move that the following resolutions be adopted:

- SR 65 Senator Zakas
Congratulating Jon Thompson of WSBT 960 AM.
- SR 66 Senator Long
Expressing gratitude to Verizon Communications.
- SR 67 Senator Breaux
Urging the study of black homicide victims.
- SCR 55 Senator Taylor
Honoring the Marian University Football Team.
- HCR 65 Senator Randolph
Recognizing the Boeing Company on the Occasion of the 100th anniversary of its founding.
- HCR 68 Senator Kruse
Commemorating the 60th anniversary of the Auburn Cord Duesenberg Festival.
- HCR 69 Senator Lanane
Recognizing the American Red Cross for serving the people of Indiana for more than 100 years.

LONG

Roll Call 352: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

Motion prevailed.

The President of the Senate yielded the gavel to Senator Long.

RESOLUTIONS ON FIRST READING

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Senate Resolution 65

Mr. President: Pursuant to Senate Rule 86(e) your Committee on Rules & Legislative Procedure to which was referred Engrossed Senate Bill 28 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Bill is eligible for consideration.

Senate Resolution 65, introduced by Senators Zakas, Broden, Mishler, Arnold, and Yoder:

A SENATE RESOLUTION congratulating Jon Thompson of WSBT 960 AM's "JT in the Morning Show" for his 40 years of dedicated and entertaining radio broadcasts.

Whereas, Jon Thompson, who is widely known as JT, began his broadcasting career in Peterborough, New Hampshire in 1971;

Whereas, On December 29, 1975, Thompson joined WSBT in South Bend, Indiana where he has hosted the "JT in the Morning Show" ever since;

Whereas, Thompson holds the record for being the longest running morning show host in the Michiana area;

Whereas, WSBT 960 AM has been broadcasting since April 1922;

Whereas, In addition to his work for WSBT, Thompson is active in the South Bend community as an umpire for high school and college baseball games; and announces for the University of Notre Dame's Marching Band and Men's Basketball games, as well as other events throughout the South Bend area;

Whereas, Most recently, Thompson became the Public Address Announcer for the South Bend Cub's 2015 season; and

Whereas, It is fitting that the Indiana Senate congratulates Thompson on his 40th anniversary of broadcasting in the South Bend community: Therefore,

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

SECTION 1. That the Indiana Senate congratulates Jon Thompson of WSBT 960 AM's "JT in the Morning Show" for his 40 years of dedicated and entertaining radio broadcasts.

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

The resolution was read in full and adopted by voice vote.

Senate Resolution 66

Senate Resolution 66, introduced by Senator Long:

A SENATE RESOLUTION expressing gratitude to Verizon Communications for its role in promoting and supporting the Indiana General Assembly's legislative internship programs and scholarships.

Whereas, For two decades, Verizon Communications has generously awarded scholarships to interns in each caucus of the Indiana Senate and House of Representatives;

Whereas, The Verizon Communications Intern Scholarships reward outstanding performance, dedicated work ethic, and professional, effective interpersonal skills;

Whereas, Scholarship recipients are selected based on a number of criteria, including nominations by legislators and

staff, peer votes, student self-assessments, and personal essays; and

Whereas, Verizon Communications has an extensive history of supporting educational initiatives, and its continued support of the legislative internship program and scholarships is tremendously appreciated: Therefore,

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

SECTION 1. That the Indiana Senate expresses its sincere gratitude to Verizon Communications for its role in promoting and supporting the Indiana General Assembly's legislative internship programs and scholarships.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Neil Krevda, Director of Government Affairs for Verizon Communications.

The resolution was read in full and adopted by voice vote.

Senate Resolution 67

Senate Resolution 67, introduced by Senator Breaux:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the issue of why Indiana has the highest rate of black homicide victims.

Whereas, Indiana has the highest rate of black homicide victims in the country;

Whereas, According to a study by the Violence Policy Center, using FBI data, Indiana had 213 black homicide victims in 2014, or 34.15 victims per 100,000 people;

Whereas, The study found Indianapolis had the sixth-highest rate of black homicide victims in the country based on 2012 data;

Whereas, In Indianapolis, the majority of homicide victims over the past several years have been black. The city has struggled with a rising homicide rate since 2013; and

Therefore, Last year, there were 144 killings in Indianapolis, the most in its history; Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the issue of why Indiana has the highest rate of black victims.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 55

Senate Concurrent Resolution 55, introduced by Senator Taylor:

A CONCURRENT RESOLUTION honoring the Marian University Football Knights for winning the NAIA football championship.

Whereas, Marian University was founded as Marian College in Indianapolis in 1937 and became Marian University in 2009;

Whereas, Marian University serves a student body of more than 2,700 full-time students, both at the undergraduate and graduate levels from across the United States and 14 countries through dedication to excellent teaching and learning in the Franciscan and liberal arts traditions;

Whereas, Marian University is committed to developing character strength and leadership skills through athletic excellence;

Whereas, Marian University established its football program in 2006;

Whereas, The Marian University Football Knights won the 57th Annual NAIA Football National Championship, in Rome, Georgia on December 13, 2012. The Knights were also a finalist in the 59th Annual NAIA National Championship in Daytona Beach, Florida on December 19, 2014;

Whereas, The Marian University Football Knights won the 60th Annual NAIA Football National Championship in Daytona Beach, Florida on December 19, 2015; and

Whereas, The Marian University Football Knights are led by head coach Mark Henninger, under the direction of Athletic Director Steve Downing, Executive Vice President and Provost Thomas J. Enneking and President Daniel J. Elsener, and with the enthusiastic support of Marian University's student, faculty, staff, alumni, and Board of Trustees and the entire Indianapolis community: 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 honors the Marian University Football Knights for winning the NAIA Football Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Marian University Football Knights and to Coach Mark Henninger.

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

of the resolution. House sponsor: Representative Summers.

House Concurrent Resolution 65

House Concurrent Resolution 65, sponsored by Senator Randolph:

A CONCURRENT RESOLUTION recognizing the Boeing Company on the occasion of the 100th anniversary of its founding.

Whereas, The Boeing Company is a leading corporate citizen and valued partner in our state;

Whereas, Boeing is a driver of innovation with Indiana suppliers, developing, building, and supporting aerospace products and services to advance the frontiers of aerospace and commercial aviation;

Whereas, Boeing is a critical part of America's defense and space industrial base, building and supporting the weapons and equipment that our troops use every day to protect the United States homeland and deter aggression;

Whereas, Boeing products play a major role in our daily lives by transporting people and goods across our country and the globe;

Whereas, Boeing is a significant driver of prosperity in our state with its Gary site, spending \$349 million with 116 state suppliers;

Whereas, Boeing has been a good neighbor by volunteering and investing \$711,000 in community organizations and charitable causes; and

Whereas, Boeing is approaching the 100th anniversary of its founding on July 15, 2016: 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 Boeing for its contributions to our state and the United States aerospace industry and wishes the company success in the next 100 years.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Boeing for display in its 100th anniversary celebration activities.

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

House Concurrent Resolution 68

House Concurrent Resolution 68, sponsored by Senator Kruse:

A CONCURRENT RESOLUTION commemorating the 60th anniversary of the Auburn Cord Duesenberg Festival.

Whereas, The mission of the not-for-profit Auburn Cord Duesenberg Festival, Inc. organization is to celebrate and promote automobile heritage;

Whereas, The goal of the Auburn Cord Duesenberg Festival is to bring together automobile enthusiasts from all over the world to celebrate the history of the automobile industry and the heritage of the Auburn Cord Duesenberg company, and to provide a place to share knowledge and passion for automobiles;

Whereas, The Auburn Cord Duesenberg Festival's efforts to attract visitors also helps to support the automobile museums of northeast Indiana, including the Auburn Cord Duesenberg Automobile Museum, The National Automotive and Truck Museum of the United States (NATMUS), and The National Military History Center;

Whereas, The Auburn Cord Duesenberg Festival helps ensure future generations of people will be able to learn to appreciate the rich cultural impact of the Hoosier automobile industry; and

Whereas, The Auburn Cord Duesenberg Festival instills a sense of pride in the community and provides a family friendly experience to both the citizens of Auburn and tourists who come to enjoy the festival: 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 commemorates the 60th anniversary of the Auburn Cord Duesenberg Festival.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the administration of the Auburn Cord Duesenberg Festival, Inc.

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

House Concurrent Resolution 69

House Concurrent Resolution 69, sponsored by Senator Lanane:

A CONCURRENT RESOLUTION recognizing the American

Red Cross for serving the people of Indiana for more than 100 years.

Whereas, The American Red Cross was founded by Clara Barton on May 21, 1881, in an effort to ensure the provision of humanitarian services during war and natural disasters in the United States and around the world;

Whereas, In 1916, the national headquarters of the American Red Cross sought the help of civic leaders to establish the first Red Cross chapter in Indiana;

Whereas, Renowned civic leader Mr. William Fortune partnered with clergy, schools, government, business, industry, and the press to build a groundswell of support for the formation of an Indianapolis chapter, which was formed on July 19, 1916;

Whereas, Since 1916, local communities around Indiana organized to form additional American Red Cross chapters which together now comprise the Indiana Region of the American Red Cross;

Whereas, For 100 years, the Indiana Region of the American Red Cross has worked throughout Indiana to prevent and alleviate human suffering in the face of emergencies by mobilizing the power of volunteers and the generosity of donors;

Whereas, The Indiana Region of the American Red Cross embodies the fundamental principles of the global network of the Red Cross and Red Crescent Societies: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity, and Universality; and

Whereas, The Indiana Region of the American Red Cross continues to provide critical lifesaving and humanitarian services throughout Indiana through: (1) the provision of disaster preparedness and response services; (2) the collection and distribution of blood and biomedical products to those in need; (3) a myriad of services to members of the United States Armed Forces, during peace and war, stateside and overseas; (4) lifesaving educational programs such as CPR, first aid, and water safety; and (5) services to international partners during major disasters and crises: 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 acknowledges the critical role of the Indiana Region of the American Red Cross in building resilient communities and congratulates the volunteers, donors, and staff on 100 years of humanitarian service to the State of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Chad Priest, chief executive officer of the Indiana Region of the American Red Cross.

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

Senate Concurrent Resolution 24

Senate Concurrent Resolution 24, introduced by Senator Banks:

A CONCURRENT RESOLUTION honoring the undefeated 1975-1976 Indiana University basketball team on the 40th anniversary of the team’s National Collegiate victory.

Whereas, The 1975-1976 Indiana University Basketball team is known as the greatest single-season team in the history of college basketball for its 32-0 season and National Division I Men’s Basketball Collegiate Championship victory;

Whereas, The National College Athletic Association (NCAA), the United States Basketball Writers Association and sports information directors all attest to the historic nature of the team’s accomplishments;

Whereas, On top of the team’s regular season record and national championship win, they finished first in the Big Ten 18-0 and scored an all-game average of 82.13;

Whereas, The team was honored by the NCAA for being the All-Time March Madness Team in 2013 at the Final Four in Atlanta;

Whereas, The roster of players, coached by the legendary Bob Knight, included Senior Tom Abernethy, Freshman Bob Bender, Junior Kent Benson, Senior Quinn Buckner, Senior Jim Crews, Freshman Scott Eells, Sophomore Mark Haymore, Senior Scott May, Sophomore Wayne Radford, Freshman Jim Roberson, Freshman Rich Valavicius, Senior Bobby Wilkerson, and Sophomore Jim Wisman; and

Whereas, For the 40th anniversary of the 1975-1976 Hoosiers’ national victory, the coach and players should be honored and recognized for their unrivaled accomplishments and Indiana roots: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the 1975-1976 Indiana University basketball team 40 years after its national championship and unrivaled, undefeated season record.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the coach and players of the 1975-1976 Indiana University basketball team: Bob Knight, Tom Abernethy, Bob Bender, Kent Benson, Quinn Buckner, Jim Crews, Scott Eells, Mark Haymore, Scott May, Wayne Radford, Jim Roberson, Rich Valavicius, Bobby Wilkerson, and Jim Wisman.

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

Senate Concurrent Resolution 57

Senate Concurrent Resolution 57, introduced by Senator Alting:

A CONCURRENT RESOLUTION congratulating the Lafayette Central Catholic High School Girls Basketball team on winning the 2A State Championship title.

Whereas, The Lafayette Central Catholic High School Girls Basketball team defeated No. 3 ranked Covenant Christian 56-43 on February 27, 2016 at Bankers Life Fieldhouse in Indianapolis to clinch the 2A State Championship title;

Whereas, The win was the third state championship title for the No. 4 ranked Knights and the second consecutive championship title after the team’s 1A title win last season;

Whereas, The victory was led by Cameron Onken with 21 points and nine rebounds, Libby Bonner with a double-double with 16 points and 13 rebounds, and Lexi Thompson with 12 points and five rebounds;

Whereas, The Indiana High School Athletic Association named Lafayette Central Catholic High School Senior Onken as the Class 2A Patricia L. Roy Mental Attitude Award recipient following the championship game;

Whereas, This season, Villanova University recruit Onken, was also named a McDonald’s All-American nominee and is on the 2016 Indiana Girls Basketball All-Star Ballot; and

Whereas, This championship win is the first state title in any sport at the 2A level for Lafayette Central Catholic High School: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Lafayette Central Catholic High School Girls Basketball team on its 2A State Championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Lafayette Central Catholic High School Principal Neil Wagner, Athletic Director Tim Bordenet, Girls Basketball Coach Craig DeVault, and each member of the girls basketball varsity team.

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

Senate Concurrent Resolution 56

Senate Concurrent Resolution 56, introduced by Senators Breaux and Merritt:

A CONCURRENT RESOLUTION recognizing the NCAA Women's Basketball Final Four and Division II and III National Championships.

Whereas, The 2016 NCAA Women's Basketball Final Four and Division II and III National Championships will be hosted April 3 -5, 2016, in Indianapolis at Banker's Life Fieldhouse;

Whereas, This is the first time all three divisional National Championships have been hosted in the same city, on the same weekend, in the same venue;

Whereas, 2016 marks the 35th anniversary of the NCAA Women's Basketball Championship;

Whereas, The City of Indianapolis has hosted the NCAA Women's Final Four three times as of this year;

Whereas, The NCAA National Office is located in the City of Indianapolis;

Whereas, Members of leadership in the NCAA Women's Final Four are; Anucha Brown, Vice President of Women's Basketball, Tina Krahn, Director of Championships and Alliances, Tracie Hitz, NCAA Director of Championships and Alliances, JoAnn Brouillette, NCAA WFF Co-Chair, Carolene Mays-Medley, NCAA WFF Co-Chair, Karin Sarratt, NCAA WFF Co-Chair, Julie Arnold, Indiana Sports Corp. Sr. Director of NCAA Events and Executive Director of WFF Host Committee, and Ryan Vaughn, Indiana Sports Corp. President; and

Whereas, It is fitting that the 2016 NCAA Women's Basketball Final Four and Division II and III National Championships are recognized as the ultimate celebration of women's basketball: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the NCAA Women's Basketball Final Four on the occasion of its 35th anniversary and recognizes the addition of the Division II and III Women's Basketball National Championships to the weekend as the ultimate celebration of women's basketball.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the NCAA National Office.

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

Senate Concurrent Resolution 46

Senate Concurrent Resolution 46, introduced by Senator Crider:

A CONCURRENT RESOLUTION congratulating New Palestine High School Senior, Chad Red, for his undefeated high school wrestling career and fourth state championship title.

Whereas, New Palestine High School Senior, Chad Red, finished his undefeated high school wrestling career with a fourth state championship title on February 20, 2016 at Bankers Life Fieldhouse in front of 12,000 spectators;

Whereas, Red, who is ranked number one in the nation, downed Evansville Mater Dei's Nick Lee, who is ranked number four in the nation, 6-5 in the 132-pound state championship match;

Whereas, The championship victory marked Red's 183rd straight win without a loss in his high school wrestling career;

Whereas, In his senior year alone, Red had 35 pins, with a 44-0 record (87.5 percent), and an average 35-second pin time;

Whereas, Red joins the ranks of two other undefeated high school wrestling careers in Indiana's history: Cathedral High School's Lance Ellis (1985-1989) and Griffith High School's Alex Tsirtsis (2000-2004);

Whereas, Chad Red Sr., Red's father and coach, has played a crucial role in helping Red achieve these records in his wrestling career thus far; and

Whereas, After high school graduation, Red plans on wrestling in either the 141 or 149 weight classes at the number 11 ranked Nebraska, that signed him to a scholarship: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates New Palestine High School Senior Wrestler, Chad Red, for his undefeated high school wrestling career and fourth state championship title.

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

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

House Concurrent Resolution 70

House Concurrent Resolution 70, sponsored by Senator Kruse:

A CONCURRENT RESOLUTION recognizing Chuck Mayfield on the occasion of his retirement from the Legislative Services Agency.

Whereas, After 40 years of dedicated service to the citizens of Indiana, Chuck Mayfield is retiring;

Whereas, During these 40 years of dedicated service, Chuck has worked for the Legislative Services Agency (LSA) and the State Budget Agency;

Whereas, Chuck first came through the doors of the Legislative Services Agency in June 1976, and left the agency for the first time in August 1981;

Whereas, From September 1981 through July 1999, Chuck Mayfield worked for the State Budget Agency;

Whereas, In July 1999, Chuck realized he missed the camaraderie he had known at the Legislative Services Agency and returned;

Whereas, During his time at the LSA, Chuck was recognized as the foremost expert in education funding issues and, particularly, the school funding formula;

Whereas, Chuck has also been instrumental in assisting the General Assembly with the school funding formula and providing thousands of schools with runs for at least as many variations of the school funding formula;

Whereas, In addition to his work at the LSA, Chuck has been a club and interscholastic soccer referee for many years; and

Whereas, Even though Chuck Mayfield will be leaving the LSA for the joys of retirement, where he will have more time to enjoy fine cigars and contribute to the state's gaming economy, he will be greatly missed by all his colleagues at the LSA: 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 thanks Chuck Mayfield for his years of dedicated service to the citizens of Indiana and wishes him a long, happy, and healthy retirement.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Chuck Mayfield and his family.

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

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1322:

Conferees: Steele and Broden
Advisors: Bray and Randolph

LONG
Date: 3/8/16
Time: 10:35 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEREE ASSIGNMENTS

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1394:

Conferees: Pete Miller and Stoops
Advisors: Kruse, Mrvan, Yoder

LONG
Date: 3/8/16
Time: 10:04 a.m.

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Mr. President and Members of the Senate: I have on Tuesday, March 8, 2016, signed Senate Enrolled Acts: 23, 126, and 238.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions

48, 50, 52, and 53 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1394. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill, and to report thereon:

Conferees: Behning, Chair and Moed
Advisors: Cook, Huston, V. Smith

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 65, 68, and 69 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 334:

Conferees: DeVon and V. Smith
Advisors: Huston, Behning, T. Brown, Austin

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1322. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill, and to report thereon:

Conferees: Koch, Chair and Bauer
Advisors: Steuerwald, Frizzell, DeLaney

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Richardson as a conferee on Engrossed House Bill 1179 and now

appoints Representative Behning as a conferee thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has adopted conference committee report 1 on Engrossed Senate Bill 324.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 18 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 70 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Mr. President: I am directed by the House to inform the Senate that the House has concurred in the Senate amendments to Engrossed House Bills 1028, 1105, 1109, 1360, and 1386.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 39

Senator Stoops called up Senate Resolution 39 for second reading. Upon the request of Senator Stoops the President ordered the roll of the Senate to be called. Roll Call 353: yeas 49, nays 1. The resolution was adopted.

Senate Resolution 47

Senator Patricia Miller called up Senate Resolution 47 for second reading. Upon the request of Senator Patricia Miller the President ordered the roll of the Senate to be called. Roll Call 354: yeas 50, nays 0. The resolution was adopted.

Senate Resolution 49

Senator Delph called up Senate Resolution 49 for second reading. Upon the request of Senator Delph the President ordered the roll of the Senate to be called. Roll Call 355: yeas 44, nays 5. The resolution was adopted.

Senate Resolution 54

Senator Leising called up Senate Resolution 54 for second reading. Upon the request of Senator Leising the President ordered the roll of the Senate to be called. Roll Call 356: yeas 31, nays 18. The resolution was adopted.

**MOTIONS TO CONCUR
IN HOUSE AMENDMENTS**

SENATE MOTION

Mr. President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 214.

HERSHMAN

Roll Call 357: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Mr. President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 305.

HEAD

Roll Call 358: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Mr. President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 355.

NIEMEYER

Roll Call 359: yeas 48, nays 1. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 324-1

Mr. President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 324 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 everything after the enacting clause and insert the following:

SECTION 1. IC 16-19-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

Chapter 3.5. Construction Permits and Plan Review

Sec. 1. As used in this chapter, "applicant" means a person that applies for a construction permit under this chapter.

Sec. 2. As used in this chapter, "application" means an application for a construction permit and any supporting plans and specifications.

Sec. 3. As used in this chapter, "division" means the

division of fire and building safety established by IC 10-19-7-1.

Sec. 4. As used in this chapter, "plan review" means a review of plans for construction, modification, or installation of a project to determine if the plans comply with the state department's rules.

Sec. 5. As used in this chapter, "project" means a project:
(1) that involves an improvement to real property; and
(2) for which a construction permit is required to be obtained from the state department before the start of construction, installation, or modification of improvements to the real property.

The term includes only project types regulated under 410 IAC 6-12.

Sec. 6. The state department shall provide notice under this chapter by:

- (1) first class mail; or**
- (2) electronic mail.**

Sec. 7. The state department shall accept an application for a construction permit that is submitted by an applicant by either of the following methods:

- (1) The applicant may submit an application to the division that is a combined application for:**
 - (A) a construction permit under this chapter; and**
 - (B) a design release under IC 22-15-3.**
- (2) The applicant may submit separate applications for:**
 - (A) a construction permit to the state department; and**
 - (B) a design release under IC 22-15-3 to the division.**

Not later than the next business day, the division shall provide a copy of the application submitted under subdivision (1) to the state department to initiate processing of the construction permit under this chapter.

Sec. 8. (a) Upon receiving a complete application for a construction permit, the state department shall notify the applicant not later than the next business day of all the following:

- (1) The assigned project number.**
- (2) Instructions on submitting any required documentation.**
- (3) The contact information for the person performing the plan review, including any person, entity, or local health department that is delegated a plan review as provided in section 12 of this chapter.**

(b) Not later than thirty (30) business days after the date a complete application is received by the state department, the state department shall:

- (1) conduct a plan review; and**
- (2) notify the applicant that:**
 - (A) the plans and specifications have been approved; or**
 - (B) a construction permit will not be issued until the applicant submits corrections to the plans or specifications.**

If the plans and specifications are approved, the state department shall issue the construction permit to the applicant not later than the thirty-first business day after the application is received.

Sec. 9. If the state department does not notify an applicant under section 8 of this chapter within thirty (30) business days after the application is received:

- (1) the application is approved as submitted; and
- (2) the state department shall, not later than the thirty-first business day after the date the application is received, provide the construction permit to the applicant.

Sec. 10. (a) If the state department receives corrections to a plan in response to a notice sent under section 8(b)(2)(B) of this chapter, and any time the state department receives corrections to a notice under subdivision (2) thereafter, the state department shall do one (1) of the following:

(1) Not later than ten (10) business days, or fifteen (15) business days if agreed upon by the applicant and the state department, after receiving the corrections, send notice to the applicant that the corrected plans as submitted have been approved for a construction permit. The state department shall, not later than the next business day after the date that notice is sent to the applicant, provide the applicant with a construction permit.

(2) Not later than ten (10) business days, or fifteen (15) business days if agreed upon by the applicant and the state department, after receiving the corrections, send notice to the applicant that a construction permit will not be issued until the applicant submits additional corrections. However, if the applicant does not receive the notice within the period specified in this subdivision:

- (A) the application is approved as submitted; and
- (B) the state department shall, not later than the eleventh or sixteenth business day after the date that the corrections were received by the state department, whichever is applicable, provide the applicant with a construction permit.

(b) A review under this section is limited to:

- (1) the corrections required by the state department under the notice sent under section 8(b)(2)(B) of this chapter or subsection (a)(2); and
- (2) any revisions made to the plan that have not been reviewed, regardless of whether those revisions were requested under section 8(b)(2)(B) of this chapter or subsection (a)(2).

All other parts of a project not directly related to corrections or revisions described in subdivision (1) or (2), including previously completed corrections or revisions that the state department has already accepted, are considered approved for a construction permit and may not be included in subsequent notice requests sent under this section.

Sec. 11. The state department may not deny a construction

permit based upon noncompliance or suspected noncompliance with a rule adopted under the authority of the fire prevention and building safety commission established by IC 22-12-2-1.

Sec. 12. (a) The state department may:

- (1) contract with a person to perform the state department's plan review responsibilities under this chapter; or
- (2) refer the plan review to a local health department.

(b) A person, entity, or local health department under subsection (a) that performs a plan review delegated by the state department under this chapter is subject to this chapter to the same extent as the state department. If the person, entity, or local health department fails to meet the required plan review and notification deadlines under this chapter, the state department shall approve the application as submitted and issue the applicant a construction permit.

SECTION 2. IC 16-41-26-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 15.** A construction permit issued by the state department for an agricultural labor camp under 410 IAC 6-9 is issued in accordance with IC 16-19-3.5.

SECTION 3. IC 16-41-27-22, AS AMENDED BY P.L.113-2014, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 22. (a)** The construction of a new mobile home community or alteration of an existing mobile home community shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department in accordance with IC 16-19-3.5.

(b) A public water system may not be constructed or altered in a new or existing mobile home community until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the environmental rules board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home community until:

- (1) plans for construction or alteration of the sewage collection system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and
- (2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the environmental rules board.

SECTION 4. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 4.1. (a)** This section applies only to a plan review for a design release performed:

- (1) before construction of a Class 1 structure; and
- (2) to determine compliance with the rules of the commission.

(b) This section does not apply to a plan review for the issuance of a building permit, an improvement permit, a fire protection system permit, or any other permit issued by a state agency or a city, town, or county.

(c) A plan review for a design release must be:

- (1) authorized under IC 22-15-3; and**
- (2) performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.**

(d) If the commission has certified that a city, town, or county is qualified to perform a plan review for a design release under IC 22-15-3, both of the following may perform the plan review for a design release:

- (1) The division of fire and building safety.**
- (2) The city, town, or county.**

However, only the entity described in subdivision (1) or (2) that performs the initial plan review for a design release may charge a fee for the plan review for a design release. The other entity shall not charge a fee for the plan review for a design release.

SECTION 5. IC 22-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall adopt building rules that allow a person to convert a building or other structure, in whole or in part, from one (1) class of occupancy and use established under the commission's rules to another without complying with all of the commission's rules governing new construction.

(b) The rules adopted under this section must protect the public from significant health hazards and safety hazards.

(c) Subject to subsection (b), the rules must promote the following:

- (1) The preservation of architecturally significant and historically significant parts of buildings and other structures.
- (2) The economically efficient reuse of buildings and other structures.

(3) The preservation and use of commercial buildings located within:

- (A) the downtown of a local unit; and**
- (B) a designated historic district.**

Before the effective date of the commission's rules, the commission's policies must promote the preservation and use of commercial buildings as set forth in subdivision (3).

(d) The rules adopted under this section may condition an exemption upon:

- (1) passing an inspection conducted by the department; and
- (2) paying the fee set under IC 22-12-6-6.

SECTION 6. IC 22-13-5-2, AS AMENDED BY P.L.218-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) **Except as provided under subsection (c),** upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An

interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

(1) an interested person submits a written request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and

(2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 7. IC 22-15-3-1, AS AMENDED BY P.L.218-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) The state building commissioner **or a city, town, or county certified under subsection (d)** shall issue a design release for ~~(1)~~ the construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter. ~~and (2)~~

(b) The state building commissioner shall issue a design release for the fabrication of an industrial building system or mobile structure under section 4 of this chapter.

~~(b) The state building commissioner may issue a design release based on a plan review performed by a city, town, or county if:~~

~~(1) the state building commissioner has certified that the city, town, or county is competent; and~~

~~(2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.~~

(c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

~~(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b):~~

(d) The commission may certify a city, town, or county as qualified to issue design releases, if the city, town, or county:

(1) is competent under the commission's objective criteria; and

(2) has adopted the rules of the commission under IC 22-13-2-3.

(e) A city, town, or county that is certified by the commission under subsection (d) may issue design releases. A design release issued by a certified city, town, or county must be:

(1) in accordance with the commission's objective criteria; and

(2) for a construction type for which the city, town, or county is certified.

All records held by a certified city, town, or county that pertain to the design release must be submitted to the division to be held in a central repository.

SECTION 8. IC 22-15-3.2-6, AS ADDED BY P.L.218-2014, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) An applicant for a design release shall submit an application meeting the requirements of IC 22-15-3 to the division.

(b) This subsection applies only to an applicant for a design release for a project listed in 410 IAC 6-12-7 for which the applicant must obtain a construction permit from the state department of health under IC 16-19-3.5. After December 31, 2016, an applicant may submit a combined application to the division that is an application for:

- (1) a construction permit under IC 16-19-3.5; and**
- (2) a design release under this chapter.**

Not later than the next business day after receiving the combined application, the division shall provide a copy of the application to the state department of health.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" means the state department of health established by IC 16-19-1-1.

(b) As used in this SECTION, "division" means the division of fire and building safety established by IC 10-19-7-1.

(c) Not later than December 31, 2016, the department and the division shall do the following:

- (1) Create a combined application form so that a person may concurrently apply for:
 - (A) a design release under IC 22-15-3; and
 - (B) a construction permit under IC 16-19-3.5, as added by this act.
- (2) Create, implement, and maintain a process, system, or agreement that enables the division to:
 - (A) transfer to the department; or
 - (B) make accessible to the department;

within one (1) business day of receipt, applications for construction permits and design releases and any relevant data and documents; in accordance with IC 16-19-3.5, as added by this act, and IC 22-15-3.2, as amended by this act.

(d) This SECTION expires July 1, 2017.

SECTION 10. An emergency is declared for this act.

(Reference is to ESB 324 as printed February 19, 2016.)

Messmer, Chair VanNatter
 Arnold Stemler
 Senate Conferees House Conferees

Roll Call 360: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1263-1

Mr. President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1263 respectfully

reports that said two committees have conferred and agreed as follows to wit:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-15-27-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The use and the disclosure of the information described in this chapter to persons authorized by law in connection with the official duties relating to:

- (1) financial audits;
- (2) legislative investigations; or
- (3) other purposes directly connected with the administration of the plan;

is permitted.

(b) The secretary shall provide to the legislative services agency, in the form and on the schedule specified by the executive director of the legislative services agency, all information or data described in section 1(1) through 1(4) of this chapter (including, but not limited to, applications, enrollments, claims, and encounters) and any additional information or data concerning a program described in this article or concerning the children's health insurance program established under IC 12-17.6 that is requested by the executive director of the legislative services agency. The legislative services agency:

- (1) shall maintain the confidentiality of confidential information or data received under this subsection; and
- (2) may use information or data received under this subsection only to estimate the fiscal impact of proposed legislation, prepare program evaluation reports, and forecast enrollment and program costs of the Medicaid program, the healthy Indiana plan, and the children's health insurance program.

(c) Unless:

- (1) redaction of an identifier is required under subsection (d); or
- (2) the executive director of the legislative services agency requests redaction of an identifier;

from the information or data requested under subsection (b), the information or data received under subsection (a) or (b) must include all identifiers specified in 45 CFR 164.514(b).

(d) Before information or data with names, addresses, or individualized identification numbers of applicants or individuals receiving services under the Medicaid program, the healthy Indiana plan, or the children's health insurance program is provided to the legislative services agency under subsection (a) or (b), the secretary or office shall as soon as practicable after a request provide the information or data to the legislative services agency after:

- (1) redacting names, street addresses (other than county and ZIP code information), and individualized

identification numbers used in the operation of the Medicaid program, the healthy Indiana plan, or the children's health insurance program; and

(2) generating and substituting for each applicant or individual a unique number that is not used in the Medicaid program, the healthy Indiana plan, or the children's health insurance program but is maintained over time and is useful for longitudinal analysis described in subsection (b).

The system of numbering under subdivision (2) must be approved by the executive director of the legislative services agency.

SECTION 2. IC 25-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9.5. Telemedicine Services and Prescriptions

Sec. 1. (a) This chapter does not prohibit a provider, insurer, or patient from agreeing to an alternative location of the patient or provider to conduct telemedicine.

(b) This chapter does not supersede any other statute concerning a provider who provides health care to a patient.

Sec. 2. As used in this chapter, "distant site" means a site at which a provider is located while providing health care services through telemedicine.

Sec. 3. As used in this chapter, "originating site" means any site at which a patient is located at the time health care services through telemedicine are provided to the individual.

Sec. 4. As used in this chapter, "provider" means any of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A physician assistant licensed under IC 25-27.5 and granted the authority to prescribe by the physician assistant's supervisory physician in accordance with IC 25-27.5-5-4.
- (3) An advanced practice nurse licensed and granted the authority to prescribe drugs under IC 25-23.
- (4) An optometrist licensed under IC 25-24.

Sec. 5. As used in this chapter, "store and forward" means the transmission of a patient's medical information from an originating site to the provider at a distant site without the patient being present.

Sec. 6. (a) As used in this chapter, "telemedicine" means the delivery of health care services using electronic communications and information technology, including:

- (1) secure videoconferencing;
- (2) interactive audio-using store and forward technology; or
- (3) remote patient monitoring technology;

between a provider in one (1) location and a patient in another location.

(b) The term does not include the use of the following:

- (1) Audio-only communication.
- (2) A telephone call.
- (3) Electronic mail.
- (4) An instant messaging conversation.

(5) Facsimile.

(6) Internet questionnaire.

(7) Telephone consultation.

(8) Internet consultation.

Sec. 7. (a) A provider who provides health care services through telemedicine shall be held to the same standards of appropriate practice as those standards for health care services provided at an in-person setting.

(b) A provider may not use telemedicine, including issuing a prescription, for an individual who is located in Indiana unless a provider-patient relationship between the provider and the individual has been established. A provider who uses telemedicine shall, if such action would otherwise be required in the provision of the same health care services in a manner other than telemedicine, ensure that a proper provider-patient relationship is established. The provider-patient relationship by a provider who uses telemedicine must at a minimum include the following:

(1) Obtain the patient's name and contact information and:

- (A) a verbal statement or other data from the patient identifying the patient's location; and
- (B) to the extent reasonably possible, the identity of the requesting patient.

(2) Disclose the provider's name and disclose whether the provider is a physician, physician assistant, advanced practice nurse, or optometrist.

(3) Obtain informed consent from the patient.

(4) Obtain the patient's medical history and other information necessary to establish a diagnosis.

(5) Discuss with the patient the:

- (A) diagnosis;
- (B) evidence for the diagnosis; and
- (C) risks and benefits of various treatment options, including when it is advisable to seek in-person care.

(6) Create and maintain a medical record for the patient and, subject to the consent of the patient, notify the patient's primary care provider of any prescriptions the provider has written for the patient if the primary care provider's contact information is provided by the patient. The requirements in this subdivision do not apply when the provider is using an electronic health record system that the patient's primary care provider is authorized to access.

(7) Issue proper instructions for appropriate follow-up care.

(8) Provide a telemedicine visit summary to the patient, including information that indicates any prescription that is being prescribed.

Sec. 8. A provider may issue a prescription to a patient who is receiving services through the use of telemedicine even if the patient has not been seen previously by the provider in person if the following conditions are met:

(1) The provider has satisfied the applicable standard of care in the treatment of the patient.

(2) The issuance of the prescription by the provider is within the provider's scope of practice and certification.

(3) The prescription is not for a controlled substance (as defined in IC 35-48-1-9).

(4) The prescription is not for an abortion inducing drug (as defined in IC 16-18-2-1.6).

(5) The prescription is not for an ophthalmic device, including:

(A) glasses;

(B) contact lenses; or

(C) low vision devices.

Sec. 9. (a) A provider who is physically located outside Indiana is engaged in the provision of health care services in Indiana when the provider:

(1) establishes a provider-patient relationship under this chapter with; or

(2) determines whether to issue a prescription under this chapter for;

an individual who is located in Indiana.

(b) A provider described in subsection (a) may not establish a provider-patient relationship under this chapter with or issue a prescription under this chapter for an individual who is located in Indiana unless the provider and the provider's employer or the provider's contractor, for purposes of providing health care services under this chapter, have certified in writing to the Indiana professional licensing agency, in a manner specified by the Indiana professional licensing agency, that the provider and the provider's employer or provider's contractor agree to be subject to:

(1) the jurisdiction of the courts of law of Indiana; and

(2) Indiana substantive and procedural laws;

concerning any claim asserted against the provider, the provider's employer, or the provider's contractor arising from the provision of health care services under this chapter to an individual who is located in Indiana at the time the health care services were provided. The filing of the certification under this subsection shall constitute a voluntary waiver by the provider, the provider's employer, or the provider's contractor of any respective right to avail themselves of the jurisdiction or laws other than those specified in this subsection concerning the claim. However, a provider that practices predominately in Indiana is not required to file the certification required by this subsection.

(c) A provider shall renew the certification required under subsection (b) at the time the provider renews the provider's license.

(d) A provider's employer or a provider's contractor is required to file the certification required by this section only at the time of initial certification.

Sec. 10. (a) A provider who violates this chapter is subject to disciplinary action under IC 25-1-9.

(b) A provider's employer or a provider's contractor that violates this section commits a Class B infraction for each act in which a certification is not filed as required by section 9 of

this chapter.

Sec. 11. A pharmacy does not violate this chapter if the pharmacy fills a prescription for a controlled substance and the pharmacy is unaware that the prescription was written by a provider providing telemedicine services under this chapter.

Sec. 12. The Indiana professional licensing agency may adopt policies or rules under IC 4-22-2 necessary to implement this chapter. Adoption of policies or rules under this section may not delay the implementation and provision of telemedicine services under this chapter.

SECTION 3. IC 25-22.5-2-7, AS AMENDED BY P.L.232-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of the board's official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

- (11) Adopt rules or protocol establishing the following:
 - (A) An education program to be used to educate women with high breast density.
 - (B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

- (12) Adopt rules establishing standards and protocols for the prescribing of controlled substances.

- (13) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

- (b) The board may adopt rules that establish:
 - (1) certification requirements for child death pathologists;
 - (2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and
 - (3) a process to certify a qualified child death pathologist.

(c) The board may adopt rules under IC 4-22-2 establishing guidelines for the practice of telemedicine in Indiana. Adoption of rules under this subsection may not delay the implementation and provision of telemedicine services by a provider under IC 25-1-9.5.

SECTION 4. **An emergency is declared for this act.**
 (Reference is to EHB 1263 as reprinted March 1, 2016.)

Kirchhofer, Chair Patricia Miller
 Austin Tallian
 House Conferees Senate Conferees

Roll Call 361: yeas 48, nays 1. Report adopted.

REPORTS FROM COMMITTEES

**REPORT OF THE SENATE
 COMMITTEE ON ETHICS**

Mr. President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on March 7, 2016, to render an advisory opinion with regard to Senator Delph's request that the Committee consider whether or not he has a conflict of interest pertaining to Senate Bill 28 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman Eckerty, Senator Arnold, Senator Breaux, and Senator Lanane.

The Senate Committee on Ethics has considered the facts presented by Senator Delph and hereby recommends that Senator Delph be excused from participation in all votes pertaining to Senate Bill 28 at any stage in the legislative process because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 4-0.

ECKERTY, Chair

Report adopted.

**MOTIONS TO CONCUR
 IN HOUSE AMENDMENTS**

SENATE MOTION

Mr. President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 28.

STEELE

Roll Call 362: yeas 49, nays 0. Motion prevailed.

Senator Long yielded the gavel to Senator Hershman.

VETO MESSAGE FROM THE GOVERNOR

Mr. President and Members of the Senate: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 369, enacted during the regular session of the 119th General Assembly, which authorized governments to charge a twenty dollar fee for record searches beyond two hours. I firmly believe that the cost of public records should never be a barrier to the public's right to know.

Michael R. Pence
 Governor

ACTION ON GUBERNATORIAL VETOES

The Chair handed down Senate Enrolled Act 369, passed by the One Hundred and Nineteenth General Assembly, First Regular Session, entitled:

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

The question was, Shall Senate Enrolled Act 369 pass, the Governor's veto notwithstanding?

Roll Call 363: yeas 7, nays 43. The Governor's veto was sustained.

Senator Hershman yielded the gavel to Senator Long.

SENATE MOTION

Mr. President: I move that Senator Lanane be added as coauthor of Senate Concurrent Resolution 50.

HEAD

Motion prevailed.

SENATE MOTION

Mr. President: I move that Senators Rogers, Broden, M. Young, and Alting be added as coauthors of Senate Concurrent Resolution 50.

HEAD

Motion prevailed.

SENATE MOTION

Mr. President: I move that Senators Waltz and Mishler be added as coauthors of Senate Concurrent Resolution 50.

HEAD

Motion prevailed.

SENATE MOTION

Mr. President: I move that Senators Kenley, Taylor, and Randolph be added as coauthors of Senate Concurrent Resolution 50.

HEAD

Motion prevailed.

SENATE MOTION

Mr. President: I move that Senators Alting, Arnold, Bassler, Becker, Boots, Bray, Breaux, Broden, Brown, Buck, Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Hershman, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Long, Merritt, Messmer, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Rogers, Schneider, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 24.

BANKS

Motion prevailed.

SENATE MOTION

Mr. President: I move that Senator Tallian be added as coauthor of Senate Bill 28.

STEELE

Motion prevailed.

SENATE MOTION

Mr. President: I move we adjourn until 1:30 p.m., Wednesday, March 9, 2016.

HERSHMAN

Motion prevailed.

The Senate adjourned at 3:22 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

ERIC J. HOLCOMB
President of the Senate