



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Fortieth Day

Tuesday Afternoon

April 7, 2015

The invocation was offered by Pastor Hubert Nolan of Brookville Road Community Church in New Palestine, a guest of Representative Robert W. Cherry.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

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

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

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

Torr	Wolkins
Truitt	Wright
Ubelhor	Zent <input type="checkbox"/>
VanNatter	Ziemke
Washburne	Mr. Speaker
Wesco	

Roll Call 371: 97 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representatives Kirchhofer and Cherry:

A CONCURRENT RESOLUTION recognizing Julie Workman and urging the governor to proclaim September as Brain Aneurysm Awareness Month.

Whereas, Julie Workman is one of the lucky people who has survived a ruptured brain aneurysm;

Whereas, Like all survivors, Julie faced challenges on her road to recovery: Physical challenges, emotional challenges, depression, and potential deficits;

Whereas, Only through knowledge and understanding will we be better able to help other survivors and ensure that all of their rights are protected;

Whereas, Although relatively uncommon, ruptured aneurysms are very serious and usually associated with a high mortality rate and disability;

Whereas, A brain aneurysm, also referred to as a cerebral aneurysm or intracranial aneurysm, is a weak bulging spot on the wall of a brain artery;

Whereas, The blood flow within the artery pounds against the thinned portion of the wall, and bulging spots form that begin to swell outward;

Whereas, Pressure may cause this aneurysm to rupture, allowing blood to escape into the space around the brain, which usually requires advanced surgical treatment;

Whereas, It is critical that we help raise awareness of brain aneurysms, including methods of early detection and treatment; and

Whereas, As a lifelong Hoosier, having been born in Indianapolis, raised in Greenfield, and now residing in Mooresville, it is fitting to recognize Julie Workman and urge public awareness to minimize the devastating effects of brain aneurysms throughout 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 recognizes Julie Workman for her tenacity and dedication to recovery and encourages her to continue working toward a full recovery. The members of the Indiana General Assembly also urge Governor Michael Pence to proclaim September as Brain Aneurysm Awareness Month so that all Hoosiers may become more aware of the symptoms and effects of brain aneurysms.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Julie Workman and the Brain Aneurysm Foundation.

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 42

The Speaker handed down Senate Concurrent Resolution 42, sponsored by Representative Arnold:

A CONCURRENT RESOLUTION memorializing Gayle Strassell, the first female mayor of Tell City, Indiana, and honoring her for a lifetime of public service and commitment to her community.

Whereas, Gayle Strassell served as the very first female Mayor of Tell City, Indiana, from 2004 through 2007;

Whereas, Gayle passed away on February 25, 2015, surrounded by her loving friends and family;

Whereas, Gayle was born on August 25, 1942, to parents Marion L. and Mary A. Kroessman;

Whereas, A 1960 graduate of Tell City High School, Gayle worked as a certified insurance counselor, and attended the Ivy Technical Institute for accounting before beginning her lifelong work for the benefit of her community;

Whereas, From 1969 through 1974, Gayle served as office manager of the Perry County License Branch, and spent the next twenty years serving as secretary and controller of Fischer Chair Company;

Whereas, In 1991, Gayle became the manager of the Kennedy Insurance Agency, a subsidiary of Tell City National Bank;

Whereas, Gayle later served as manager of the Tell City and Santa Claus branches of Fifth Third Bank;

Whereas, For several years, Gayle served Tell City as a member of its Common Council, before being elected Mayor;

Whereas, After serving with distinction as Mayor for four years, Gayle remained involved in her community as an employee of Everybody's Fun & Fitness Center;

Whereas, Gayle's parents and grandparents instilled in her a love and sense of responsibility for helping others in her church and in her community, traits that Gayle fully embodied throughout her life;

Whereas, Gayle served as an active member of many local civic groups, including the Tell City Kiwanis Club, Tell City Historical Society, Perry County Chamber of Commerce, Leadership Perry County, Schweizer Fest Committee, Santa Claus Optimist Club, Santa Claus Chamber of Commerce, Society of Certified Insurance Counselors, We the Youth of Perry County Board, Women of the Moose, United Way of Perry County, Treasurer of the Perry County League of Women Voters, and President of the Perry County Convention and Visitors Bureau;

Whereas, Gayle has been a lifelong member and politician for the Republican Party;

Whereas, Gayle has earned the Perry County Distinguished Woman of the Year Award, Tell City National Bank Community Service Award, and was named Tell City Distinguished Citizen of the Year;

Whereas, Gayle was a member of the Evangelical United Church of Christ in Tell City, where she had served on the church council;

Whereas, Gayle enjoyed traveling, her kittens, spending time with her grandchildren, and meeting new people through her work and volunteer efforts;

Whereas, Gayle and her late husband, Tom, had three children together, Julie, Greg, and Gary; and seven grandchildren Andy, Ben, Brandon, Zoe, Michael, Erin, and William; and

Whereas, It is fitting that the Indiana General Assembly gives special recognition to Gayle Strassell and her legacy of public service and volunteering in the Tell City 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 General Assembly memorializes Gayle Strassell, the first female mayor of Tell City, Indiana, and honors her for a lifetime of public service and commitment to her community.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Gayle's children Julie, Greg, and Gary, her sister Peg, and Tell City Mayor Barbara Ewing.

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 43

The Speaker handed down Senate Concurrent Resolution 43, sponsored by Representative Friend:

A CONCURRENT RESOLUTION memorializing the honorable life and service of United States Army Sergeant Jarrod W. Black.

Whereas, Jarrod W. Black, a resident of Peru, Indiana, dutifully served in the United States Army from 1999 until 2003;

Whereas, In September 2003, Jarrod was deployed to Iraq as a member of the 1st Battalion, 34th Armor Regiment, on a mission for Operation Iraqi Freedom;

Whereas, On December 12, 2003, Jarrod's convoy was struck by an improvised explosive device outside of Baghdad, and Jarrod died as a result of injuries incurred from his tanker exploding;

Whereas, Jarrod had assumed great personal danger by taking the position of gunner, despite the ordinary practice of having sergeants ride inside of the vehicles;

Whereas, Jarrod is remembered for his love of life and family, as well as his charm and smile;

Whereas, In commemoration of Jarrod and others who have served bravely, Miami County is naming a bridge after all of the fallen soldiers of Miami County; and

Whereas, Such service and valor deserves to be honored and 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 General Assembly memorializes the honorable life and service of United States Army Sergeant Jarrod W. Black.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Jarrod's family, including his father Bill Black, his mother Jane Black, his sons Jacob and Jason Black, and his daughter Sheridan Black.

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 45

The Speaker handed down Senate Concurrent Resolution 45, sponsored by Representative Morrison:

A CONCURRENT RESOLUTION honoring the life and work of Ernie Pyle on the 70th anniversary of his death.

Whereas, April 18, 2015 marks the occasion of the 70th anniversary of the death of Ernie Pyle, one of history's greatest war correspondents;

Whereas, Ernie was killed in the Pacific Theater during World War II on Ie Shima, just west of Okinawa, by Japanese machine-gun fire among the brave soldiers about which he wrote, having gone to observe the advance of the well-known division of the 24th Army Corps;

Whereas, Ernie began his journalism career early in Indiana, where he was born on August 3, 1900, in Dana, Indiana to William and Maria Taylor Pyle, working on The Indiana Daily Student throughout his stay at Indiana University;

Whereas, Later taking a position at The Washington News, Ernie worked as a copy editor for three years, took on various positions at The Evening World and The Evening Post, and eventually became managing editor of The Washington News from 1932 to 1935;

Whereas, During this time, Ernie was particularly moved by the story of the burial of the Unknown Soldier in Arlington Cemetery and soon desired to embark on his own traveling assignments;

Whereas, Ernie's beloved wife Geraldine traveled with him on these initial trips, and his simple letters home recalling the Hauptmann trial in New Jersey, the drought stricken states of Montana and North Dakota, and the labors of the Coast Guard sailing the Arctic Sea began to capture the nation;

Whereas, Ernie's travels then took him to the fronts of World War II, living and writing alongside the soldiers in places such as Africa, England, and Italy, which allowed him to convey the journey each soldier was undertaking, from their victories, to their fears, losses, and homesickness;

Whereas, By helping those back home understand life on the front, Ernie's work became a must-read for 14 million households across the United States, including the White House;

Whereas, Upon Ernie's departure from the European theater, the remaining soldiers lamented his leave, his camaraderie and dedication to sharing their stories having become greatly valued, but Ernie was eventually war-bound once again;

Whereas, During his time in the Pacific, Ernie reported on everything from the islands themselves, to the missions of the marines and crews that surrounded him, to his own post-war hopes and plans, which were the dreams of the soldier in the foxhole as much as they were his own;

Whereas, Ernie's death was mourned by the soldiers and by

the country as a whole, President Truman remembering Ernie as a spokesman of the ordinary American in arms doing so many extraordinary things; and

Whereas, Such dedication to journalism should be recognized and commended: 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 life and work of Ernie Pyle on the 70th anniversary of his death.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to The Ernie Pyle World War II Museum in Dana, Indiana.

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.

House Concurrent Resolution 67

Representatives Lehe and C. Brown introduced House Concurrent Resolution 67:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the section of State Road 25 in Carroll County from State Road 39 to E. 900 N. as the Carroll County Veterans Memorial Highway.

Whereas, The torch of patriotism has been held high in Indiana by brave men and women willing to fight to ensure that freedom forever lives in our country and around the world;

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their state in time of war;

Whereas, These veterans served their state and country well, sometimes making the ultimate sacrifice in the service of their country;

Whereas, These Carroll County veterans served their country bravely and honorably in World War II, Korea, Vietnam, Grenada, and Desert Storm;

Whereas, Because America has relied upon her veterans in times of war to protect our way of life, it seems only just and proper that America honor the veterans of all her wars;

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their state in time of war; and

Whereas, Many states, including Indiana, have designated and named portions of a state or federal highway as a memorial to those who served our nation in time of war: 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 urges the Indiana Department of Transportation to provide the necessary signage to rename the section of State Road 25 in Carroll County from State Road 39 to E. 900 N. as the Carroll County Veterans Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

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

House Concurrent Resolution 68

Representatives Soliday, Moseley and Pelath introduced House Concurrent Resolution 68:

A CONCURRENT RESOLUTION celebrating the 125th anniversary of the first graduating class of Chesterton High School and joining the celebration of the Quasquicentennial Class of 2015.

Whereas, The recognition of certain milestones in the lives of people and institutions is often the occasion for celebration by those directly touched by the milestone and by their friends;

Whereas, The year 1890 witnessed the graduation of the first class from Chesterton High School;

Whereas, During the last 125 years, Chesterton High School has become one of the premier high schools in Indiana;

Whereas, The Chesterton High School Class of 2015 is the Quasquicentennial Class of Chesterton High School and is especially proud of that distinction; and

Whereas, It is fitting that we recognize Chesterton High School on the occasion of the 125th anniversary of its first graduating class and that we congratulate the Chesterton High School Quasquicentennial Class of 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 congratulates Chesterton High School on the occasion of the 125th anniversary of its first graduating class.

SECTION 2. That the Indiana General Assembly joins the graduation celebration of the Chesterton High School Quasquicentennial Class of 2015.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Chesterton High School senior class officers, the principal, the class sponsors, the school board, and the school superintendent.

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 Tallian.

House Concurrent Resolution 69

Representatives Bacon and Goodin introduced House Concurrent Resolution 69:

A CONCURRENT RESOLUTION congratulating the 2014 Indiana State NASP Archery Tournament champions.

Whereas, The National Archery in the Schools Program (NASP) was developed to serve specific educational and conservation purposes;

Whereas, NASP was co-created by Kentucky's Department of Fish & Wildlife Resources and Department of Education and Mathews Archery in 2001 and was originally named the Kentucky Archery in the Schools Program;

Whereas, Because of interest in the program in neighboring states, it was renamed the National Archery in the Schools Program;

Whereas, Every state, province, and country enrolled in NASP has a coordinator in charge of the program in their jurisdiction;

Whereas, Children at the elementary, middle school, and high school level are eligible to participate in NASP activities;

Whereas, Boonville High School student Shelby Caton is the 2014 Indiana state champion for high school males and also won the overall male championship;

Whereas, Shelby did not begin using a bow until he attended an archery camp when he was 13 years old;

Whereas, Shelby proved to be a quick study, winning third place in the state when he was in the eighth grade and first place in the high school division and first place overall with a shooting score of 295 out of a possible 300 as a sophomore;

Whereas, Shelby's hobbies are hunting and bowfishing; he also volunteers as a camp junior leader at the ACUSA Archery Camp where his interest in archery began;

Whereas, Brooke Virgin is the 2014 Indiana state champion for middle school females;

Whereas, Brooke attends Boonville Middle School where she is an honor roll student and plays volleyball;

Whereas, Brooke enjoys reading and being with family and friends;

Whereas, At the time of her championship, Brooke was in the seventh grade;

Whereas, In addition to her championship, Brooke earned eight other medals in 2014 - three first, two second, one third, one fourth, and one fifth place; she also participated in the archery nationals and placed ninth out of 2,024 female middle school entrants; and

Whereas, Outstanding 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 wishes to congratulate Shelby Caton and Brooke Virgin on their championship victories in the 2014 Indiana State NASP Archery Tournament and wishes them 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 Shelby Caton, Brooke Virgin, and Boonville Archery President Jaylene Bell.

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 Concurrent Resolution 70

Representatives Truitt and Klinker introduced House Concurrent Resolution 70:

A CONCURRENT RESOLUTION congratulating Kathy Nimmer on her selection as the 2015 Indiana Teacher of the Year.

Whereas, The Indiana Teacher of the Year program, the oldest and most prestigious state honors program focusing public attention on excellence in teaching, was founded in 1957;

Whereas, The Indiana Teacher of the Year is chosen from among the current Indiana District Teachers of the Year, who complete and submit an Indiana Teacher of the Year Portfolio to the Indiana Department of Education's Teacher of the Year Coordinator;

Whereas, Kathy Nimmer was named the 2015 Indiana Teacher of the Year by Superintendent of Public Instruction Glenda Ritz on September 30, 2014;

Whereas, Kathy Nimmer, an English teacher, has been teaching at William Henry Harrison High School in West Lafayette for 22 years;

Whereas, Kathy Nimmer earned her bachelor's degree from Trinity Christian College and her master's degree from Purdue University;

Whereas, In recognition of her outstanding abilities, Kathy Nimmer has received numerous awards and recognitions throughout her career, including being named a National Board Certified Teacher, 2003, 2013; Tippecanoe School Corporation Teacher of the Year, 2014; William Henry Harrison High School Teacher of the Year, 2013/14; TED Talk Presenter at TEDxPurdue, 2014; Lafayette Optimist Club Teacher Grant Winner, 2013; NBC "Student Success" Video Contest Winner, 2013; Ann DeCamp Creative Teaching Award, 2011; Alumni of the Year, Trinity Christian College, 2010; Durward K. McDaniels Ambassador Award, American Council for the Blind, 2009; Lilly Distinguished Fellow, 2009; Helen Keller Foundation International Memoir Competition, First Place, 2006; Olympic Torch Bearer, 1996. She will be Indiana's nominee for the 2015 National Teacher of the Year;

Whereas, Well aware of the difficulties of overcoming adversity because she is blind from a degenerative illness, Kathy Nimmer chose teaching as an occupation to have the opportunity to inspire people and give students joy; and

Whereas, Principal Allen Remaly describes Kathy as "an inspiration to both her students and fellow educators as she demonstrates how to overcome adversity every day. Inspired by educators that helped her overcome her own loss of sight, Kathy has dedicated her life to helping her students overcome their own difficulties": Therefore,

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

SECTION 1. That, on behalf of the people of Indiana, the Indiana General Assembly congratulates Kathy Nimmer on being selected Indiana's Teacher of the Year for 2015.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kathy Nimmer and her family, William Henry Harrison High School Principal Allen Remaly, and Tippecanoe School Corporation Superintendent Dr. Scott Hanback.

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 Alting.

House Concurrent Resolution 71

Representative Wolkins introduced House Concurrent Resolution 71:

A CONCURRENT RESOLUTION recognizing Arc of Wabash County, Inc.

Whereas, Before the 1950s, individuals with disabilities were shunned from society, either institutionalized or hidden at home;

Whereas, A visionary and dedicated group of Wabash County parents, wanting something better for their children with intellectual disabilities, came together in 1954 to create a school for their children;

Whereas, One parent donated a home that was converted into a classroom and other parents raised money through bake sales and other fundraisers to purchase supplies and hire a teacher for their children who were not permitted to attend public schools because they did not function like other school-age children;

Whereas, The parents considered this initiative to be the only hope for their children's education; this humble facility was named the "School of Hope";

Whereas, As the children became young adults in need of vocational skills training, a sheltered workshop named "Workshop Enterprises" was created to meet the expanding needs;

Whereas, Arc of Wabash County now provides "sheltered employment" opportunities in its own facility as well as within businesses in the community, along with prevocational services, community employment services, supported employment services, and follow-along services;

Whereas, Through Arc of Wabash County's Supported Living Program, people with intellectual disabilities can learn to actively participate in the community and live more independently;

Whereas, Manchester University's Student Education Association (SEA) provides volunteers who work with Arc consumers by organizing after hours and weekend activities such as bowling, dances, dinners, trips to sporting events, and parties which persons served at Arc attend and thoroughly enjoy;

Whereas, From its simple beginning at the School of Hope, Arc of Wabash County now serves approximately 200 children and adults annually in the Wabash County area; and

Whereas, For the past 60 years Arc of Wabash County has consistently created services and opportunities for persons with disabilities to live meaningful lives; Arc now looks forward to even greater opportunities in the years ahead: 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 Arc of Wabash County for its dedicated services to the thousands of people whose lives have been touched by its caring and dedicated personnel.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Arc of Wabash County.

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 Banks.

House Concurrent Resolution 72

Representatives Morrison and Kersey introduced House Concurrent Resolution 72:

A CONCURRENT RESOLUTION congratulating the North Vermillion High School football team.

Whereas, The North Vermillion High School football team won the Indiana High School Athletic Association's Class 1A state football championship on November 29, 2014, at Lucas Oil Stadium in Indianapolis;

Whereas, The game was a matchup between North Vermillion's tough defense and Pioneer's number one rated offense, with defense winning out;

Whereas, The Falcons defeated Pioneer High School by a score of 27 to 26 in their first championship appearance;

Whereas, This victory marks the first football state title for the Falcons and head coach Brian Crabtree;

Whereas, The Falcons, who were ranked second in an Associated Press poll, completed a perfect 15-0 season while defeating four consecutive top 10 teams on their way to the championship;

Whereas, Vaughn DePugh returned an interception for a 95-yard touchdown, setting a record for a scoring interception for all classes;

Whereas, North Vermilion took the lead with a 10-play, 64-yard drive with 2:49 remaining;

Whereas, Ahead by only one point in the final 2 minutes, Dakota Chapman forced a fumble and Braeden Hollowell recovered it at midfield;

Whereas, Jacob Earl rushed for 108 yards on 21 attempts and caught three passes for 72 yards and two touchdowns while Cody Wright completed 12-of-24 passes for 162 yards and two touchdowns; and

Whereas, Outstanding accomplishments, whether on the athletic field or in the classroom, 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 wishes to congratulate the North Vermillion High School football team on its Class 1A state football championship and to wish the team continued success in all its future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the team; student managers Hannah Moudy, Emilee Farley, Gage Woodard, and Kaden Kilgore; assistant coaches Justin Fischer, Ben Blank, Dwight George, Seth Marshall, and Tom Cook; head coach Brian Crabtree; athletic director Martin Brown; principal Jayne Ann Virostko; and superintendent Michael F. Turner.

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 Boots.

House Resolution 44

Representatives Kirchhofer and Stemler introduced House Resolution 44:

A HOUSE RESOLUTION commemorating the USS Indiana (SSN 789).

Whereas, The USS Indiana (SSN 789), a next-generation attack submarine, is the third ship to bear the state name Indiana;

Whereas, The submarine will provide the Navy with the capabilities required to maintain the nation's undersea supremacy well into the 21st century;

Whereas, The USS Indiana has enhanced stealth, sophisticated surveillance capabilities, and special warfare enhancements that enable it to fulfill the Navy's multimission requirements;

Whereas, The USS Indiana (SSN 789) was built at Huntington Ingalls Industries-Newport News Shipbuilding in Newport News, Virginia, and weighs 7,800 tons and is 377 feet in length;

Whereas, The submarine has a beam of 34 feet and operates at more than 25 knots submerged and is designed with a reactor plant that will not require refueling during the planned life of the ship, reducing lifecycle costs while increasing underway time;

Whereas, It is part of a group of submarines that has the capability to attack targets ashore with highly accurate Tomahawk cruise missiles and can conduct covert, long-term

surveillance of land areas, littoral waters, or other sea-based forces;

Whereas, The USS Indiana can conduct antisubmarine and anti-ship warfare, mine delivery, and minefield mapping, and was designed for Special Forces delivery and support; and

Whereas, Vessels such as the USS Indiana help keep freedom alive around the world: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the outstanding capabilities of the USS Indiana (SSN 789) to protect and defend our nation and the world and is honored that such a capable vessel bears the name of our state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the commander of the USS Indiana.

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

House Resolution 45

Representatives Soliday and Wright introduced House Resolution 45:

A HOUSE RESOLUTION congratulating Thomas Jefferson Middle School.

Whereas, Thomas Jefferson Middle School Science Olympiad team, Valparaiso, will represent Indiana at the national Science Olympiad after winning first place in its division at the state level;

Whereas, The Indiana Science Olympiad was held at Indiana University in Bloomington, Indiana, where 30 middle schools competed in events testing science concepts, knowledge, processes and application, and technology, including events dealing with fossils, bridge buildings, and oceanography;

Whereas, This is the 26th year in a row that Thomas Jefferson Middle School's team has participated in the nationals and its 23rd state title;

Whereas, Members of the Thomas Jefferson Middle School team received seven first place medals and six second place finishes;

Whereas, Every one of the 16 students participating on the team earned at least two medals at the state competition;

Whereas, A large part of the credit for the successful year enjoyed by the Thomas Jefferson Middle School Science Olympiad Team belongs to head coach Rich Bender and the assistant coaches; and

Whereas, Outstanding academic 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:

SECTION 1. That the Indiana House of Representatives acknowledges the tremendous amount of time and effort that went into this state title and encourages the students of Thomas Jefferson Middle School to continue in their pursuit of knowledge

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members, coach Rich Bender, assistant coaches, and the principal of Thomas Jefferson Middle School.

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

House Resolution 46

Representatives Moed, Macer and Gutwein introduced House Resolution 46:

A HOUSE RESOLUTION recognizing the bravery of Sergeant First Class Brandon Wood, Sergeant First Class Daniel Tallent, and Sergeant First Class Charles Evans.

Whereas, If not for the quick, decisive actions of SFC Brandon Wood, SFC Daniel Tallent, and SFC Charles Evans, a life would have been lost on August 29, 2014;

Whereas, Shortly before noon a car struck a concrete reinforced post, trapping the driver and causing serious injury to his leg;

Whereas, While the man lay in the car, unresponsive and bleeding heavily, a fire broke out in the engine compartment;

Whereas, Witnessing the accident, SFC Brandon Wood, SFC Daniel Tallent, and SFC Charles Evans ran to the car and began rendering aid;

Whereas, While SFC Wood was extinguishing the fire, SFC Evans and SFC Tallent grabbed their first aid kit and began assessing the driver's injuries;

Whereas, Since it was apparent that the driver was hemorrhaging from a serious wound to the leg, the soldiers applied a tourniquet to the leg and effectively stopped the bleeding; and

Whereas, The life of Mike Brinkman was saved through the quick and decisive actions of these three brave men: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the brave actions of SFC Brandon Wood, SFC Daniel Tallent, and SFC Charles Evans that saved the life of Mike Brinkman. These brave men are truly heroes.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to SFC Brandon Wood, SFC Daniel Tallent, and SFC Charles Evans.

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

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 9, 2015, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 98, 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 98 as reprinted February 20, 2015.)

Committee Vote: Yeas 7, Nays 4.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 282, 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 282 as printed January 28, 2015.)

Committee Vote: Yeas 9, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 330, 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 14, begin a new paragraph and insert:

"SECTION 1. IC 13-18-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The persons involved shall negotiate the terms for connection and service under this chapter.

(b) If service is ordered under this chapter, a receiver of that service that is located in an unincorporated area may grant a waiver to a municipality providing the service. A waiver under this section:

(1) must waive the receiver's right of remonstrance against annexation of the areas in which the service is to be provided; and

(2) may be one (1) of the terms for connection and service described in subsection (a).

(c) The waiver, if granted:

(1) shall be noted on the deed of each property affected and recorded as provided by law; and

(2) is considered a covenant running with the land.

(d) A waiver of remonstrance that is executed after June 30, 2015, expires on the earlier of the following dates:

(1) Twenty-five (25) years after the date the waiver is executed.

(2) The date that the original municipal debt, bonds, or obligations that:

(A) were issued or incurred to finance:

(i) the construction or improvements; or

(ii) other costs; and

(B) are directly related to the provision of the service for which the waiver was obtained;

are fully paid or would be paid.

The extension of the date of repayment of the municipal debt, bonds, or obligations described in subdivision (2) because of refinancing or refunding does not extend the date determined in subdivision (2).

SECTION 2. IC 36-4-3-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.2. The annexation procedures may be referred to as follows:**

(1) An annexation under section 5 of this chapter may be referred to as a landowner initiated annexation.

(2) An annexation under section 5.1 of this chapter may be referred to as a unanimous landowner initiated annexation.

(3) An annexation to which section 5 or 5.1 of this chapter does not apply may be referred to as a municipality initiated annexation.

SECTION 3. IC 36-4-3-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. **(a)** For purposes of this chapter, territory sought to be annexed may be considered "contiguous" only if at least one-eighth (1/8) of the aggregate external boundaries of the territory coincides with the boundaries of the annexing municipality. In determining if a territory is contiguous a strip of land less than one hundred fifty (150) feet wide ~~which~~ **that** connects the annexing municipality to the territory is not considered a part of the boundaries of either the municipality or the territory.

(b) This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2015. A public highway or the rights-of-way of a public highway is

contiguous to:

- (1) the municipality; or
- (2) property in the unincorporated area adjacent to the public highway or rights-of-way of a public highway;

if the public highway or the rights-of-way of a public highway is contiguous under subsection (a) and one (1) of the requirements in subsection (c) is satisfied.

(c) A public highway or rights-of-way of a public highway is not contiguous unless one (1) of the following requirements is met:

(1) The municipality obtains the written consent of the owners of all property:

- (A) adjacent to the entire length of the portion of the public highway and rights-of-way of the public highway that is being annexed; and
- (B) not already within the corporate boundaries of the municipality.

A waiver of the right of remonstrance executed by a property owner or a successor in title of the property owner for sewer services or water services does not constitute written consent for purposes of this subdivision.

(2) All property adjacent to the entire length of the portion of the public highway or rights-of-way of the public highway being annexed are already within the corporate boundaries of the municipality.

(3) All property adjacent to the entire length of the portion of the public highway or rights-of-way of the public highway being annexed are part of the same annexation ordinance in which the public highway or rights-of-way of a public highway are being annexed.

A municipality may not annex a public highway or rights-of-way of a public highway or annex territory adjacent to the public highway or rights-of-way of a public highway unless the requirements of this section are met.

SECTION 4. IC 36-4-3-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.7. (a) This section applies only to an annexation ordinance adopted after June 30, 2015. This section does not apply to an annexation under section 5.1 of this chapter.

(b) Not earlier than six (6) months before a municipality introduces an annexation ordinance, the municipality shall conduct an outreach program to inform citizens regarding the proposed annexation. The outreach program must conduct at least six (6) public information meetings regarding the proposed annexation. The public information meetings must provide citizens with the following information:

- (1) Maps showing the proposed boundaries of the annexation territory.
- (2) Proposed plans for extension of capital and noncapital services in the annexation territory, including proposed dates of extension.
- (3) Expected fiscal impact on taxpayers in the annexation territory, including any increase in taxes and fees.

(c) The municipality shall provide notice of the dates, times, and locations of the outreach program meetings. The municipality shall publish the notice of the meetings under IC 5-3-1, including the date, time, and location of the meetings, except that notice must be published not later than thirty (30) days before the date of each meeting. The municipality shall also send notice to each owner of land within the annexation territory not later than thirty (30) days before the date of the first meeting of the outreach program. The notice to landowners shall be sent by mail or certified mail and include the following information:

(1) The notice shall inform the landowner that the municipality is proposing to annex territory that

includes the landowner's property.

(2) The municipality is conducting an outreach program for the purpose of providing information to landowners and the public regarding the proposed annexation.

(3) The date, time, and location of the meetings to be conducted under the outreach program.

(d) The notice shall be sent to the address of the landowner as listed on the tax duplicate. If the municipality provides evidence that the notice was sent by certified mail, with return receipt requested, and in accordance with this section, it is not necessary that the landowner accept receipt of the notice. If a remonstrance is filed under section 11 of this chapter, the municipality shall file with the court proof that notices were sent to landowners under this section and proof of publication.

(e) The notice required under this section is in addition to any notice required under sections 2.1 and 2.2 of this chapter.

SECTION 5. IC 36-4-3-2.2, AS AMENDED BY P.L.69-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.2. (a) This section does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b), or 4(h) or ~~4.1~~ of this chapter or an annexation described in section 5.1 of this chapter.

(b) Before a municipality may annex territory, the municipality shall provide written notice of the hearing required under section 2.1 of this chapter. Except as provided in subsection (f), the notice must be sent by certified mail at least sixty (60) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed.

(c) For purposes of an annexation of territory described in section 2.5 of this chapter, if the hearing required under section 2.1 of this chapter is conducted after June 30, 2010, the notice required by this section must also be sent to each owner of real property, as shown on the county auditor's current tax list, whose real property is adjacent to contiguous areas of rights-of-way of the public highway that are only included in the annexation of territory by operation of IC 36-4-3-2.5 on the side of the public highway that is not part of the annexed territory.

(d) The notice required by this section must include the following:

- (1) A legal description of the real property proposed to be annexed.
- (2) The date, time, location, and subject of the hearing.
- (3) A map showing the current municipal boundaries and the proposed municipal boundaries.
- (4) Current zoning classifications for the area proposed to be annexed and any proposed zoning changes for the area proposed to be annexed.
- (5) A detailed summary of the fiscal plan, described in section 13 of this chapter, **if applicable**.
- (6) The location where the public may inspect and copy the fiscal plan, **if applicable**.
- (7) A statement that the municipality will provide a copy of the fiscal plan, **if applicable**, after the fiscal plan is adopted immediately to any landowner in the annexed territory who requests a copy.
- (8) The name and telephone number of a representative of the municipality who may be contacted for further information.

(e) If the municipality complies with this section, the notice is not invalidated if the owner does not receive the notice.

(f) This subsection applies to an annexation under section 3 or 4 of this chapter in which all property owners within the area to be annexed provide written consent to the annexation. The written notice described in this section must be sent by certified

mail not later than twenty (20) days before the date of the hearing to each owner of real property, as shown on the county auditor's current tax list, whose real property is located within the territory proposed to be annexed.

SECTION 6. IC 36-4-3-4.1, AS AMENDED BY P.L.243-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.1. (a) A municipality may annex territory under this section only if the territory is contiguous to the municipality.

(b) **This subsection applies only to an annexation ordinance adopted before July 1, 2015.** Territory annexed under this section is exempt from all property tax liability under IC 6-1.1 for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property's zoning classification remains agricultural.

(c) **This subsection applies only to an annexation ordinance adopted after June 30, 2015. Real property annexed under this section:**

(1) is exempt; and

(2) remains exempt;

from all property tax liability under IC 6-1.1 for municipal purposes while the property is assessed as agricultural land under the real property assessment rules and guidelines of the department of local government finance.

(~~e~~) (d) There may not be a change in the zoning classification of territory annexed under this section without the consent of the owner of the annexed territory.

(~~d~~) (e) Territory annexed under this section may not be considered a part of the municipality for purposes of annexing additional territory under section 3 or 4 of this chapter. However, territory annexed under this section shall be considered a part of the municipality for purposes of annexing additional territory under section 5 or 5.1 of this chapter."

Page 2, delete lines 1 through 19.

Page 2, delete line 42, begin a new paragraph and insert:

"SECTION 8. IC 36-4-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) **This subsection applies only to a petition requesting annexation that is filed before July 1, 2015.** If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

(1) signed by at least:

(A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or

(B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and

(2) requesting an ordinance annexing the area described in the petition.

(b) **This subsection applies only to a petition requesting annexation that is filed after June 30, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition that meets the following requirements:**

(1) **The petition is signed by at least one (1) of the following:**

(A) **Fifty-one percent (51%) of the owners of land in the territory sought to be annexed. An owner of land may not:**

(i) **be counted in calculating the total number of owners of land in the annexation territory; or**

(ii) **have the owner's signature counted;**

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(B) The owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a petition with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) **The petition requests an ordinance annexing the area described in the petition.**

(~~b~~) (c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(~~e~~) (d) ~~Except as provided in section 5-1 of this chapter,~~ If the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(~~d~~) (e) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

(1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;

(2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;

(3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and

(4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(~~e~~) (f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district."

Delete page 3.

Page 4, delete lines 1 through 8.

Page 4, line 21, delete "owners of land that is:" and insert **"landowners that reside within the territory that is proposed to be annexed."**

Page 4, delete lines 22 through 25.

Page 5, delete lines 26 through 42.

Delete pages 6 through 9.

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

"SECTION 9. IC 36-4-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. Notwithstanding section 7(b) of this chapter, an ordinance adopted under section 4 of this chapter takes effect immediately upon the expiration of the ~~sixty (60) day~~ remonstrance and appeal period under section 11, **11.1**, or 15.5 of this chapter and after the publication, filing, and recording required by section 22(a) of this chapter if all of the following conditions are met:

(1) The annexed territory has no population.

(2) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.

(3) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits."

Page 10, line 19, after "(a)" insert **"This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015."**

Page 10, line 20, reset in roman "section 5.1(i) of this chapter and".

Page 10, line 20, strike "(d) and (e)," and insert **"(e) and (f),"**

Page 10, line 33, after "(b)" insert **"This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015."**

Page 10, line 41, after "(c)" insert **"This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015."**

Page 10, line 41, strike "it" and insert **"the court"**.

Page 10, line 42, strike "of its" and insert **"after the court's"**.

Page 11, between lines 3 and 4, begin a new paragraph and insert:

"(d) This subsection applies only to an annexation for which an annexation ordinance was adopted after June 30, 2015. If the number of signatures on a remonstrance as determined by the county auditor meets the requirements of section 11.1(d) of this chapter, the remonstrance may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located:

- (1) the signed remonstrances filed with the county auditor under section 11.1 of this chapter;**
- (2) the county auditor's certification under section 11.1(b)(6) of this chapter;**
- (3) the annexation ordinance; and**
- (4) a statement of the reason why the annexation should not take place.**

The remonstrance must be filed with the court not later than fourteen (14) business days after the date the county auditor files the certificate with the legislative body under section 11.1(b)(6) of this chapter. Notwithstanding section 11.1(b)(2) of this chapter, after a remonstrance petition is filed with the court, any person who signed a remonstrance may file with the court a written revocation of the person's opposition to the annexation."

Page 11, line 4, strike "(d)" and insert **"(e)"**.

Page 11, line 8, strike "(e)" and insert **"(f) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015."**

Page 11, line 16, after "territory" insert **"."**

Page 11, line 16, strike "as determined under subsection".

Page 11, strike line 17.

Page 11, delete lines 18 through 42.

Delete pages 12 through 14, begin a new paragraph and insert:

"SECTION 11. IC 36-4-3-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11.1. (a) This section applies only to an annexation ordinance adopted after June 30, 2015.

(b) After an annexation ordinance has been adopted in accordance with all applicable notice and hearing requirements under this chapter, the annexation may not proceed unless the annexing municipality completes the following procedures:

- (1) The proper officers of the municipality must give notice of the applicability of the remonstrance process by:**
 - (A) publishing the notice in accordance with IC 5-3-1; and**

(B) first class mail to the circuit court clerk and to owners of real property described in section 2.2 of this chapter.

A notice under this subdivision must include a statement that any owners of real property within the area to be annexed who want to remonstrate against the proposed annexation must file remonstrances in compliance with subdivisions (2) through (4) not later than ninety (90) days after publication of the notice in accordance with IC 5-3-1.

(2) Not later than ninety (90) days after the notice under subdivision (1) is given, remonstrances may be filed by an owner of real property within the area to be annexed that was not exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year. Each signature on the remonstrance must be dated, and the date of the signature may not be earlier than the date on which the remonstrance forms may be issued under subdivision (3). A person who signs as an owner of real property must indicate the address of the real property owned by the person in the area to be annexed. A remonstrance petition must be verified in compliance with subdivision (4) before the remonstrance is effective. A signature on a remonstrance form is final and may not be rescinded.

(3) The state board of accounts shall design and, upon request by the county auditor's office, deliver to the county auditor's office or the county auditor's office's designated printer the remonstrance forms to be used solely in the remonstrance process described in this section. The county auditor's office shall issue to an owner or owners of real property within the area to be annexed the number of remonstrance forms requested by the owner or owners. Each form must be accompanied by instructions detailing all of the following requirements:

(A) A carrier of the remonstrance may not be:

- (i) compensated for; or
- (ii) reimbursed for expenses incurred in; circulating a remonstrance form for signature.

(B) After the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature.

(C) The closing date for the remonstrance period.

A person requesting remonstrance forms may be required to identify himself or herself as an owner of real property and may be allowed to obtain additional copies to distribute to other owners of real property and to carriers of the remonstrance. The county auditor's office may not issue a remonstrance form earlier than the day that notice is published under subdivision (1). The county auditor's office shall certify the date of issuance on each remonstrance form that is distributed under this subdivision.

(4) Remonstrance forms must be verified in the manner prescribed by the state board of accounts and filed with the county auditor's office within the period described in subdivision (2).

(5) Not later than fifteen (15) business days after receiving a remonstrance, the county auditor's office shall make a final determination of the number of owners of real property within the territory to be annexed who signed the remonstrance. Only one (1) person having an interest in each single property as evidenced by the tax duplicate is considered an owner of property for purposes of this section and may sign a remonstrance.

(6) The county auditor shall file a certificate with the legislative body of the annexing municipality not later than five (5) business days after making the

determination under subdivision (5). In making the determination under subdivision (5), the county auditor shall use the auditor's current tax records as provided in section 2.2 of this chapter.

(c) The annexation ordinance is void if a written remonstrance is signed by one (1) of the following:

(1) At least sixty-five percent (65%) of the owners of land in the annexed territory. An owner of land may not:

- (A) be counted in calculating the total number of owners of land in the annexation territory; or
- (B) have the owner's signature counted on a remonstrance;

with regard to any single property that an owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The owners of at least eighty percent (80%) in assessed valuation of the land in the annexed territory. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count the owner's signature on a remonstrance with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(d) The annexation may be appealed to the court under section 11 of this chapter, if a written remonstrance is signed by one (1) of the following:

(1) At least fifty-one percent (51%) but less than sixty-five percent (65%) of the owners of land. An owner of land may not:

- (A) be counted in calculating the total number of owners of land in the annexation territory; or
- (B) have the owner's signature counted on a remonstrance;

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The owners of at least sixty percent (60%) but less than eighty percent (80%) in assessed valuation of land in the annexed territory. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a remonstrance with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

SECTION 12. IC 36-4-3-11.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.2. (a) This section applies to a remonstrance filed after June 30, 2015.**

(b) If:

(1) an annexation ordinance is void under section 11.1(c) of this chapter; or

(2) the court orders an annexation not to take place after a hearing under section 11 of this chapter;

a court shall allow remonstrators to be reimbursed by the annexing municipality for reasonable expenses incurred in filing the remonstrance and any litigation expenses including appeal costs and reasonable attorney's fees. However, any expenses incurred by a carrier in circulating a remonstrance petition may not be reimbursed. The total amount reimbursed may not to exceed fifty thousand dollars (\$50,000).

SECTION 13. IC 36-4-3-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.3. A waiver of remonstrance that is executed after June 30, 2015, expires on the earlier of the following dates:**

(1) Twenty-five (25) years after the date the waiver is executed.

(2) The date that the original municipal debt, bonds, or obligations that:

- (A) were issued or incurred to finance:
 - (i) the construction or improvements; or
 - (ii) other costs; and

(B) are directly related to the provision of the service for which the waiver was obtained; are fully paid or would be paid.

The extension of the date of repayment of the municipal debt, bonds, or obligations described in subdivision (2) because of refinancing or refunding does not extend the date determined in subdivision (2).

SECTION 14. IC 36-4-3-13, AS AMENDED BY P.L.119-2012, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13. (a) Except as provided in subsections subsection (e), and (g);** at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(3) **The requirements of subsection (i).**

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.

(2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road

maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(6) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.

(7) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.

(8) This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation.

(9) This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:

(A) The name of the owner of the parcel.

(B) The parcel identification number.

(C) The most recent assessed value of the parcel.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the **following** conditions, ~~set forth in clauses (A) through (D) and, if applicable, clause (E) that are applicable to the annexation,~~ exist in the territory proposed to be annexed:

(A) This clause applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) This clause applies only to an annexation for which an annexation ordinance was adopted after June 30, 2015. The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Maintenance of streets and roads located within the annexation territory.

For purposes of this clause, a unit is considered the provider of a service to the area within the territory if the unit has the primary responsibility for providing the service. If a unit provides service to the area in the annexation territory under contract with the annexing municipality, the unit is the provider of the service for purposes of this clause and not the annexing municipality.

~~(B)~~ **(C) The annexation will have a significant financial impact on the residents or owners of land.**

The court may not consider:

(i) the personal finances; or

(ii) the business finances;

of a resident or owner of land. The personal and business financial records of the residents or owners of land, including state, federal, and local income tax returns may not be subject to a subpoena or discovery proceedings.

~~(C)~~ **(D) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).**

~~(D)~~ **(E) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015.** One (1) of the following opposes the annexation:

(i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(F) This clause applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015. One (1) of the following opposes the annexation:

(i) At least fifty-one percent (51%) of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than sixty percent (60%) in assessed valuation of the land in the territory proposed to be annexed.

The remonstrance petitions filed with the court under section 11 of this chapter are evidence of the number of owners of land that oppose the annexation, minus any written revocations of remonstrances that are filed with the court under section 11 of this chapter.

~~(E)~~ **(G) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015.** This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) The municipality under subsection ~~(c)(2)(C)~~ **(c)(2)(D)** bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

(1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or

(2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission

to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:

(A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land.

(C) One (1) of the following opposes the annexation:

(i) A majority of the owners of land in the territory proposed to be annexed.

(ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(h) (g) The most recent:

(1) federal decennial census;

(2) federal special census;

(3) special tabulation; or

(4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

(h) A municipality that prepares a fiscal plan after June 30, 2015, must comply with this subsection. A municipality may not amend the fiscal plan to exclude parcels after the date that a remonstrance is filed under section 11 of this chapter, unless amendment of the fiscal plan is consented to by the owners of the excluded parcels who signed the remonstrance petition.

(i) The municipality must submit proof that the municipality has complied with the outreach program requirements and notice requirements of section 1.7 of this chapter."

Page 15, delete lines 1 through 33.

Page 15, delete line 42, begin a new paragraph and insert:

"SECTION 16. IC 36-4-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. **(a) This section applies to a judgment filed after June 30, 2015.**

(b) The court's judgment under section 12 or 15.5 of this chapter must specify the annexation ordinance on which the remonstrance is based. The clerk of the court shall deliver a certified copy of the **final and unappealable** judgment to the clerk of the municipality. The clerk of the municipality shall:

(1) record the judgment in the clerk's ordinance record; and

(2) make a cross-reference to the record of the judgment on the margin of the record of the annexation ordinance.

(c) If a **final and unappealable** judgment under section 12 or 15.5 of this chapter is adverse to annexation, the municipality may not make further attempts to annex the territory or any part of the territory during the four (4) years after the later of:

(1) the judgment of the circuit or superior court; or

(2) the date of the final disposition of all appeals to a

higher court;

unless the annexation is petitioned for under section 5 or 5.1 of this chapter.

(d) This subsection applies to an annexation for which an annexation ordinance is adopted before June 30, 2015. This subsection applies if a municipality repeals the annexation ordinance:

(1) less than sixty-one (61) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences on the remonstrance under section ~~11~~(**d**) of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twelve (12) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(e) This subsection applies to an annexation for which an annexation ordinance is adopted before June 30, 2015. This subsection applies if a municipality repeals the annexation ordinance:

(1) at least sixty-one (61) days but not more than one hundred twenty (120) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences on the remonstrance under section ~~11~~(**d**) of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twenty-four (24) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(f) This subsection applies to an annexation for which an annexation ordinance is adopted before June 30, 2015. This subsection applies if a municipality repeals the annexation ordinance:

(1) either:

(A) at least one hundred twenty-one (121) days after publication of the ordinance under section 7(a) of this chapter but before the hearing commences on the remonstrance under section ~~11~~(**d**) of this chapter; or

(B) after the hearing commences on the remonstrance as set forth in section ~~11~~(**d**) of this chapter; and

(2) before the date of the judgment of the circuit or superior court as set forth in subsection ~~(b)~~ (**c**).

A municipality may not make further attempts to annex the territory or any part of the territory during the forty-two (42) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(g) This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2015. A municipality may not make subsequent annexations under section 3 or 4 of this chapter in the same territory for a period of forty-eight (48) months after the date that:

(1) the county auditor files the certificate with the legislative body of the annexing municipality under section 11(b)(6) of this chapter, if an annexation ordinance is void under section 11.1(c) of this chapter;

(2) the municipality repeals an annexation ordinance after publishing notice under section 11.1(b)(1) of this chapter; or

(3) a judgment of the court under section 12 or 15.5 of this chapter orders the annexation not to take place.

This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(f) If a judgment under section 12 or 15.5 of this chapter

orders the annexation to take place, the annexation is effective when the clerk of the municipality complies with the filing requirement of section 22(a) of this chapter.

(h) An annexation is effective when the clerk of the municipality complies with the filing requirement of section 22(a) of this chapter.

SECTION 17. IC 36-4-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) The clerk of the municipality shall do the following: ~~(1)~~ file:

(1) each annexation ordinance against which:

(A) a remonstrance or an appeal has not been filed during the period permitted under this chapter; or

(B) a remonstrance was filed that did not meet the requirements of section 11.1(c) of this chapter, in the case of an annexation for which an annexation ordinance was adopted after June 30, 2015; or

(2) the certified copy of a final and unappealable judgment ordering an annexation to take place;

with each of the following: ~~the county auditor, circuit court clerk, and board of registration (if a board of registration exists)~~ ~~(A) The county auditor of each county in which the annexed territory is located~~ ~~(B) The circuit court clerk of each county in which the annexed territory is located.~~ ~~(C) If a board of registration exists, the registration board of each county in which the annexed territory is located.~~ ~~(D) and the office of the secretary of state~~ ~~(E) and the office of census data established by IC 2-5-1.1-12.2.~~ ~~(2) The clerk of the municipality shall record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the annexed territory is located.~~

(b) The copy must be ordinance or judgment must be filed and recorded no later than ninety (90) days after:

(1) the expiration of the period permitted for a remonstrance or appeal; or

(2) the delivery of a certified order under section 15 of this chapter; or

(3) the date the county auditor files the written certification to the legislative body under section 11.1(b)(6) of this chapter, in the case of an annexation described in subsection (a)(1)(B).

~~(c) Failure to record the annexation ordinance as provided in subsection (a)(2) (a) does not invalidate the ordinance.~~

(d) The county auditor shall forward a copy of any annexation ordinance filed under this section to the following:

(1) The county highway department of each county in which the lots or lands affected are located.

(2) The county surveyor of each county in which the lots or lands affected are located.

(3) Each plan commission, if any, that lost or gained jurisdiction over the annexed territory.

(4) The sheriff of each county in which the lots or lands affected are located.

(5) The township trustee of each township that lost or gained jurisdiction over the annexed territory.

(6) The office of the secretary of state.

(7) The office of census data established by IC 2-5-1.1-12.2.

(e) The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the annexation ordinance or may charge the clerk a fee for photoreproduction of the ordinance. The county auditor shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date that the annexation ordinance is effective under this chapter.

(f) The county auditor or county surveyor shall, upon determining that an annexation ordinance has become effective under this chapter, indicate the annexation upon the property taxation records maintained in the office of the auditor or the office of the county surveyor.

SECTION 18. IC 36-9-22-2, AS AMENDED BY

P.L.243-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

(1) did not contribute to the original cost of the sewage works; and

(2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of the parties to the contract and their successors in title to remonstrate against pending or future annexations by the municipality of the area served by the sewage works Any person tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works. **A waiver of remonstrance against pending or future annexations that is executed after June 30, 2015, expires on the earlier of the following dates:**

(1) Twenty-five (25) years after the date the waiver is executed.

(2) The date that the original municipal debt, bonds, or obligations that:

(A) were issued or incurred to finance:

(i) the construction or improvements; or

(ii) other costs; and

(B) are directly related to the provision of the service for which the waiver was obtained; are fully paid or would be paid.

The extension of the date of repayment of the municipal debt, bonds, or obligations described in subdivision (2) because of refinancing or refunding does not extend the date determined in subdivision (2).

(d) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, the release of the right to remonstrate is binding on a successor in title to a party to the contract only if the successor in title:

(1) has actual notice of the release; or

(2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the

property.

(e) Subsection (c) does not apply to a landowner if all of the following conditions apply:

(1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.

(2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

(f) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

SECTION 19. IC 36-9-25-14, AS AMENDED BY P.L.243-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) As to each municipality to which this chapter applies:

(1) all the territory included within the corporate boundaries of the municipality; and

(2) any territory, town, addition, platted subdivision, or unplatted land lying outside the corporate boundaries of the municipality that has been taken into the district in accordance with a prior statute, the sewage or drainage of which discharges into or through the sewage system of the municipality;

constitutes a special taxing district for the purpose of providing for the sanitary disposal of the sewage of the district in a manner that protects the public health and prevents the undue pollution of watercourses of the district.

(b) Upon request by:

(1) a resolution adopted by the legislative body of another municipality in the same county; or

(2) a petition of the majority of the resident freeholders in a platted subdivision or of the owners of unplatted land outside the boundaries of a municipality, if the platted subdivision or unplatted land is in the same county;

the board may adopt a resolution incorporating all or any part of the area of the municipality, platted subdivision, or unplatted land into the district.

(c) A request under subsection (b) must be signed and certified as correct by the secretary of the legislative body, resident freeholders, or landowners. The original shall be preserved in the records of the board. The resolution of the board incorporating an area in the district must be in writing and must contain an accurate description of the area incorporated into the district. A certified copy of the resolution, signed by the president and secretary of the board, together with a map showing the boundaries of the district and the location of additional areas, shall be delivered to the auditor of the county within which the district is located. It shall be properly indexed and kept in the permanent records of the offices of the auditor.

(d) In addition, upon request by ten (10) or more interested resident freeholders in a platted or unplatted territory, the board may define the limits of an area within the county and including the property of the freeholders that is to be considered for inclusion into the district. Notice of the defining of the area by the board, and notice of the location and limits of the area, shall be given by publication in accordance with IC 5-3-1. Upon request by a majority of the resident freeholders of the area, the area may be incorporated into the district in the manner provided in this section. The resolution of the board incorporating the area into the district and a map of the area shall be made and filed in the same manner.

(e) In addition, a person owning or occupying real property outside the district may enter into a sewer service agreement with the board for connection to the sewage works of the district. If the agreement provides for connection at a later time, the date or the event upon which the service commences shall be

stated in the agreement. The agreement may impose any conditions for connection that the board determines. The agreement must also provide the amount of service charge to be charged for connection if the persons are not covered under section 11 of this chapter, with the amount to be fixed by the board in its discretion and without a hearing.

(f) All sewer service agreements made under subsection (e) or (after June 30, 2013) a signed memorandum of the sewer service agreement shall be recorded in the office of the recorder of the county where the property is located. The agreements run with the property described and are binding upon the persons owning or occupying the property, their personal representatives, heirs, devisees, grantees, successors, and assigns. Each agreement that is recorded, or each agreement of which a signed memorandum is recorded, and that provides for the property being served to be placed on the tax rolls shall be certified by the board to the auditor of the county where the property is located. The certification must state the date the property is to be placed on the tax rolls, and upon receipt of the certification together with a copy of the agreement, the auditor shall immediately place the property certified upon the rolls of property subject to the levy and collection of taxes for the district. An agreement may provide for the collection of a service charge for the period services are rendered before the levy and collection of the tax.

(g) Except as provided in subsection ~~(f)~~; **(k)**, sewer service agreements made under subsection (e) must contain a waiver provision that persons (other than municipalities) who own or occupy property agree for themselves, their executors, administrators, heirs, devisees, grantees, successors, and assigns that they will:

(1) neither object to nor file a remonstrance against the proposed annexation of the property by a municipality within the boundaries of the district;

(2) not appeal from an order or a judgment annexing the property to a municipality; and

(3) not file a complaint or an action against annexation proceedings.

(h) A waiver of remonstrance that is executed after June 30, 2015, expires on the earlier of the following dates:

(1) Twenty-five (25) years after the date the waiver is executed.

(2) The date that the original municipal debt, bonds, or obligations that:

(A) were issued or incurred to finance:

(i) the construction or improvements; or

(ii) other costs; and

(B) are directly related to the provision of the service for which the waiver was obtained; are fully paid or would be paid.

The extension of the date of repayment of the municipal debt, bonds, or obligations described in subdivision (2) because of refinancing or refunding does not extend the date determined in subdivision (2).

~~(h)~~ **(i)** This subsection does not affect any rights or liabilities accrued or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, a waiver of the right to remonstrate under subsection (g) is binding as to an executor, administrator, heir, devisee, grantee, successor, or assign of a party to a sewer service agreement under subsection (g) only if the executor, administrator, heir, devisee, grantee, successor, or assign:

(1) has actual notice of the waiver; or

(2) has constructive notice of the waiver because the sewer service agreement or a signed memorandum of the sewer service agreement stating the waiver has been recorded in the chain of title of the property.

~~(h)~~ **(j)** This section does not affect any sewer service

agreements entered into before March 13, 1953.

(f) (k) Subsection (g) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to a sewer service because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of service or connection to the sewer service are paid by a person other than the landowner or the municipality."

Delete pages 16 through 21.

Renumber all SECTIONS consecutively.

(Reference is to SB 330 as printed February 20, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 415, 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 14.

Delete pages 2 through 12.

Page 13, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 1. IC 5-20-1-27, AS AMENDED BY P.L.231-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) The home ownership education account within the state general fund is established to support:

- (1) home ownership education programs established under section 4(d) of this chapter;
- (2) mortgage foreclosure counseling and education programs established under IC 5-20-6-2; and
- (3) programs conducted by one (1) or a combination of the following to facilitate settlement conferences in residential foreclosure actions under IC 32-30-10.5:

- (A) The judiciary.
- (B) Pro bono legal services agencies.
- (C) Mortgage foreclosure counselors (as defined in IC 32-30-10.5-6).
- (D) Other nonprofit entities certified by the authority under section 4(d) of this chapter.

The account is administered by the authority.

(b) The home ownership education account consists of:

- (1) court fees collected under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its expiration on ~~January 1, 2015~~; **July 1, 2017**);
- (2) civil penalties imposed and collected under:
 - (A) IC 6-1.1-12-43(g)(2)(B); or
 - (B) IC 27-7-3-15.5(e); and
- (3) any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(c) The expenses of administering the home ownership education account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the home ownership education account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

SECTION 2. IC 5-20-6-3, AS AMENDED BY P.L.231-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. In addition to using money provided for the program from:

- (1) court fees under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its expiration on ~~January 1, 2015~~; **July 1, 2017**);
- (2) civil penalties imposed and collected under:

- (A) IC 6-1.1-12-43(g)(2)(B); or
- (B) IC 27-7-3-15.5(e); and

(3) any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5;

the authority may solicit contributions and grants from the private sector, nonprofit entities, and the federal government to assist in carrying out the purposes of this chapter."

Page 47, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 28. IC 32-30-10.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 10.3. State Regulation of Mortgage Foreclosures

Sec. 1. The state is the sole regulator of the process of mortgage foreclosures, including the duties and obligations of borrowers and lenders in connection with mortgage foreclosures. This chapter preempts all other regulation of the process of mortgage foreclosures by a political subdivision.

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 3. A political subdivision may not do any of the following:

- (1) **Enact, issue, or enforce ordinances, resolutions, regulations, orders, requests for proposals, or requests for bids pertaining to mortgage foreclosure activities or practices and rules that disqualify persons from doing business with a municipality and that are based upon mortgage foreclosure activities or practices.**
- (2) **Impose reporting requirements or any other obligations upon persons regarding mortgage foreclosure activities or practices or upon subsidiaries or affiliates that:**

- (A) **are subject to the jurisdiction of the department of financial institutions;**
- (B) **are subject to the jurisdiction or regulatory supervision of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the United States Department of Housing and Urban Development or the Federal Housing Finance Agency;**
- (C) **are chartered by the United States Congress to engage in secondary market mortgage transactions;**
- (D) **are created by the Indiana housing and community development authority; or**
- (E) **originate, purchase, sell, assign, securitize, or service property interests or obligations created by financial transactions or loans made, executed, originated, or purchased by persons referred to in clauses (A), (B), (C), or (D)."**

Delete pages 48 through 52.

Page 53, delete lines 1 through 2.

Page 55, delete lines 36 through 42.

Page 56, delete line 1.

Page 56, line 2, reset in roman "(10)".

Page 56, line 2, delete "(14)".

Page 56, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 36. IC 33-37-4-4, AS AMENDED BY P.L.231-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- (10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).
- (11) For a mortgage foreclosure action, a mortgage foreclosure counseling and education fee (~~IC 33-37-5-32~~ **IC 33-37-5-33**) (before its expiration on ~~January 1, 2015~~ **July 1, 2017**).
- (12) Before July 1, 2017, a pro bono legal services fee (IC 33-37-5-31).

SECTION 37. IC 33-37-5-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33. (a) This section applies to a civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4. The clerk shall collect a fifty dollar (\$50) mortgage foreclosure counseling and education fee from a party filing an action to foreclose a mortgage.**

(b) This section expires July 1, 2017.

SECTION 38. IC 33-37-7-2, AS AMENDED BY P.L.284-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a)** The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the homeowner protection unit account established by IC 4-6-12-9 one hundred percent (100%) of the automated record keeping fees collected under IC 33-37-5-21 with respect to actions resulting in the accused person entering into a pretrial diversion program agreement under IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) One hundred percent (100%) of the child abuse

prevention fees collected under IC 33-37-4-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.

(7) The following:

(A) For a county operating under the state's automated judicial system, one hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(B) This clause applies before July 1, 2013, and after June 30, 2015. For a county not operating under the state's automated judicial system, eighty percent (80%) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(C) This clause applies after June 30, 2013, and before July 1, 2015. For a county not operating under the state's automated judicial system, five dollars (\$5) of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(e) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance account established by IC 5-2-6-23(h) one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(f) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) or the successor statewide automated support enforcement system collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS or the successor statewide automated support enforcement system collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the department of child services the percentage share of the support and maintenance fees for cases designated as Title IV-D child

support cases in ISETS, or the successor statewide automated support enforcement system, collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(h) This subsection does not apply to court administration fees collected in small claims actions filed in a court described in IC 33-34. The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

(1) The public defense administration fee collected under IC 33-37-5-21.2.

(2) The judicial salaries fees collected under IC 33-37-5-26.

(3) The DNA sample processing fees collected under IC 33-37-5-26.2.

(4) The court administration fees collected under IC 33-37-5-27.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(j) The proceeds of the service fee collected under IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(k) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

(1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.

(2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the home ownership education account established by IC 5-20-1-27 one hundred percent (100%) of the following:

(1) The mortgage foreclosure counseling and education fees collected under ~~IC 33-37-5-32~~ **IC 33-37-5-33** (before its expiration on ~~January 1, 2015~~; **July 1, 2017**).

(2) Any civil penalties imposed and collected by a court for a violation of a court order in a foreclosure action under IC 32-30-10.5.

(m) This subsection applies to a county that is not operating under the state's automated judicial system. The clerk of a circuit court shall distribute monthly to the county auditor the following part of the automated record keeping fee (IC 33-37-5-21) not distributed under subsection (a) for deposit in the clerk's record perpetuation fund:

(1) Twenty percent (20%), before July 1, 2013, and after June 30, 2015.

(2) Two dollars (\$2) of each fee collected, after June 30, 2013, and before July 1, 2015.

(n) The clerk of a circuit court shall distribute semiannually to the auditor of state one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, under IC 33-37-5-31. The auditor of state shall transfer semiannually the pro bono legal services fees to the Indiana Bar Foundation (or a successor entity) as the entity designated to organize and administer the interest on lawyers trust accounts (IOLTA) program under Rule 1.15 of the Rules of Professional Conduct of the Indiana supreme court. The Indiana Bar Foundation shall:

(1) deposit in an appropriate account and otherwise manage the fees the Indiana Bar Foundation receives under this subsection in the same manner the Indiana Bar Foundation deposits and manages the net earnings the Indiana Bar Foundation receives from IOLTA accounts; and

(2) use the fees the Indiana Bar Foundation receives under this subsection to assist or establish approved pro bono legal services programs.

The handling and expenditure of the pro bono legal services fees received under this section by the Indiana Bar Foundation (or its successor entity) are subject to audit by the state board of accounts. The amounts necessary to make the transfers required by this subsection are appropriated from the state general fund."

Page 57, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 40. IC 36-7-9-5, AS AMENDED BY P.L.203-2013, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The enforcement authority may issue an order requiring action relative to any unsafe premises, including:

(1) vacating of an unsafe building;

(2) sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;

(3) extermination of vermin in and about the unsafe premises;

(4) removal of trash, debris, fire hazardous material, or a public health hazard in and about the unsafe premises;

(5) repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a rule adopted under IC 4-22-2, or an ordinance;

(6) demolition and removal of part of an unsafe building;

(7) demolition and removal of an unsafe building if:

(A) the general condition of the building warrants removal; or

(B) the building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order; and

(8) requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:

(A) sealing against intrusion by unauthorized persons and the effects of weather;

(B) exterior improvements to make the building compatible in appearance with other buildings in the area; and

(C) continuing maintenance and upkeep of the building and premises;

in accordance with standards established by ordinance. Notice of the order must be given under section 25 of this chapter. The ordered action must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties. The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(b) The order must contain **the following**:

- (1) The name of the person to whom the order is issued.
- (2) The legal description or address of the unsafe premises that are the subject of the order.
- (3) The action that the order requires.
- (4) The period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given.
- (5) If a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments.
- (6) If a hearing is not required, a statement that an order under subsection (a)(2), (a)(3), (a)(4), or (a)(5) becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten (10) day period.
- (7) A statement briefly indicating what action can be taken by the enforcement authority if the order is not complied with.
- (8) A statement indicating the obligation created by section 27 of this chapter relating to notification of subsequent interest holders and the enforcement authority.
- (9) The name, address, and telephone number of the enforcement authority.
- (10) A statement that the hearing authority may determine the property to be abandoned as provided in IC 36-7-37.**

(c) The order must allow a sufficient time, of at least ten (10) days, but not more than sixty (60) days, from the time when notice of the order is given, to accomplish the required action. If the order allows more than thirty (30) days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

(d) The order expires two (2) years from the day the notice of the order is given, unless one (1) or more of the following events occurs within that two (2) year period:

- (1) A complaint requesting judicial review is filed under section 8 of this chapter.
- (2) A contract for action required by the order is let at public bid under section 11 of this chapter.
- (3) A civil action is filed under section 17 of this chapter.

(e) If the order contains a statement under subsection (a)(6) or (a)(7), notice of the order shall be given to each person with a known or recorded substantial property interest.

SECTION 41. IC 36-7-9-7, AS AMENDED BY P.L.88-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), ~~or 5(a)(5)~~, **or 7.5** of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), ~~or 5(a)(5)~~, **or 7.5** of this chapter becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the

hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:

- (1) significant work on the premises to comply with the affirmed order has not been accomplished; and
- (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

The hearing authority may not impose an additional civil penalty in a hearing to review a civil penalty imposed by the enforcement authority under section 7.5 of this chapter.

(f) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

(g) If an order is affirmed or modified, the hearing authority shall issue a continuous enforcement order (as defined in section 2 of this chapter).

(h) The board or commission having control over the department shall, at a public hearing, after having given notice

of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection (f).

(i) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

(j) If a civil penalty under subsection (e) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

SECTION 42. IC 36-7-9-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) This section applies to an order issued under section 5(a)(5) of this chapter for which a hearing was not requested as provided in section 7 of this chapter.**

(b) If the person to whom the order was issued fails or refuses to comply with the order within sixty (60) days or the time specified in the order, the enforcement authority may impose a civil penalty not to exceed two thousand five hundred dollars (\$2,500). The enforcement authority shall give notice of the civil penalty to all persons with a known or recorded substantial property interest in the unsafe premises.

(c) After a civil penalty is imposed under subsection (b), the enforcement authority may impose an additional civil penalty in an amount not to exceed one thousand dollars (\$1,000) every ninety (90) days if the person to whom the order was issued continues to fail or refuse to comply with the order.

(d) If a civil penalty under this section is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty that is collected shall be deposited in the unsafe building fund.

SECTION 43. IC 36-7-9-8, AS AMENDED BY P.L.169-2006, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8. (a) An action taken by the hearing authority under section 7(d), or 7(e), or 9(d) of this chapter or a finding by the hearing authority of abandonment under IC 36-7-37 is subject to review by the circuit or superior court of the county in which the unsafe premises are located, on request of:**

(1) any person who has a substantial property interest in the unsafe premises; or

(2) any person to whom that order **or finding** was issued.

(b) A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken.

(c) An appeal under this section is an action de novo. The court may affirm, modify, or reverse the action taken by the hearing authority.

SECTION 44. IC 36-7-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 9. (a) If the enforcement authority finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take that action without issuing an order or giving notice. However, this emergency action must be**

limited to removing any immediate danger.

(b) The department, acting through the enforcement authority, may recover the costs incurred by the enforcement authority in taking emergency action, by filing a civil action in the circuit court or superior court of the county against the persons who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises at the time the enforcement authority found it necessary to take emergency action. The department is not liable for the costs of this civil action.

(c) If an unsafe premises poses an immediate danger to the life or safety of persons occupying or using nearby property, the enforcement authority may, without following this chapter's requirements for issuing an order and giving notice, take emergency action to require persons to vacate and not use the nearby property until the danger has passed. However, any person required to vacate an unsafe premises under this subsection may challenge in an emergency court proceeding the enforcement authority's determination that the premises poses an immediate danger to the life or safety of any person. In an emergency court proceeding, the enforcement authority has the burden of proving that emergency action is necessary to protect from immediate danger the life or safety of persons occupying or using nearby property.

(d) Instead of filing a civil action to recover the costs incurred by the enforcement authority in taking emergency action, the enforcement authority may set a hearing for the hearing authority to review the necessity of the emergency action and the amount of the costs of the emergency action. Notice of the hearing must be provided to each person with a known or recorded substantial property interest in the unsafe premises. If the emergency action or the costs of the emergency action are determined by the hearing authority to have been an abuse of discretion or otherwise unlawful, the hearing authority may reduce or deny the costs of the emergency action as warranted under the circumstances; otherwise, the hearing authority shall affirm the costs of the emergency action. The amount of the costs affirmed by the hearing authority may then be collected as provided in sections 12 through 13.5 of this chapter.

SECTION 45. IC 36-7-9-12, AS AMENDED BY P.L.68-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12. (a) When action required by an order is performed by the enforcement authority or by a contractor acting under section 9 or 11 of this chapter, each person who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time when the order requiring the work performed was issued to the time that the work was completed, or, if emergency action was taken under section 9 of this chapter, during the time of such emergency action, is jointly and severally responsible for the following costs:**

(1) The:

(A) actual cost of the emergency action taken, as affirmed by the hearing authority; or

(B) actual cost of the work performed by the enforcement authority or the bid price of work accomplished by the contractor under section 11 of this chapter.

(2) An amount that represents a reasonable forecast of the average processing expense that will be incurred by the enforcement authority in taking the technical, administrative, and legal actions concerning typical unsafe premises that are necessary under this chapter so that the action required by an order may be performed by a contractor under section 9 or 11 of this chapter. In calculating the amount of the average processing expense, the following costs may be considered:

(A) The cost of obtaining reliable information about the identity and location of persons who own a

substantial property interest in the unsafe premises.

(B) The cost of notice of orders, notice of statements of rescission, notice of continued hearing, notice of statements that public bids are to be let or that the enforcement authority intends to accomplish the work, and notice that a hearing may be held on the amounts indicated in the record, in accordance with section 25 of this chapter.

(C) Salaries for employees.

(D) The cost of supplies, equipment, and office space.

(b) The board or commission having control over the department shall determine the amount of the average processing expense at the public hearing, after notice has been given in the same manner as is required for other official action of the board or commission. In determining the average processing expense, the board or commission may fix the amount at a full dollar amount that is an even multiple of ten (10).

SECTION 46. IC 36-7-9-13.5, AS AMENDED BY P.L.169-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13.5. (a) This section does not apply to the collection of an amount if a court determines under section 13 of this chapter that the enforcement authority is not entitled to the amount.

(b) If:

- (1) all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after completion of the work; or
- (2) **emergency action was taken under section 9 of this chapter, for more than fifteen (15) days after the costs of the emergency action have been affirmed by the hearing authority;**

the enforcement authority may send notice under section 25 of this chapter to each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises. If the notice is sent, the enforcement authority shall also send notice to any mortgagee with a known or recorded substantial property interest. The notice must require full payment of the amount owed within thirty (30) days.

(c) If full payment of the amount owed is not made less than thirty (30) days after the notice is delivered, the enforcement officer may certify the following information to the county auditor:

- (1) The name of each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.
- (2) The description of the unsafe premises, as shown by the records of the county auditor.
- (3) The amount of the delinquent payment, including all costs described in section 12 of this chapter.

(d) The county auditor shall place the total amount certified under subsection (c) on the tax duplicate for the affected property as a special assessment. The total amount, including accrued interest, shall be collected as delinquent taxes are collected.

(e) An amount collected under subsection (d), after all other taxes have been collected and disbursed, shall be disbursed to the unsafe building fund.

(f) A judgment entered under section 13, 19, 21, or 22 of this chapter may be certified to the auditor and collected under this section. However, a judgment lien need not be obtained under section 13 of this chapter before a debt is certified under this section.

SECTION 47. IC 36-7-9-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20.5. (a) **This section applies only to property determined to be:**

- (1) **an unsafe premises under this chapter; and**

(2) **abandoned under IC 36-7-37.**

(b) **The circuit court of the county in which the unit is located shall appoint the hearing authority.**

(c) **A city, town, or county having an enforcement authority may adopt or amend an ordinance to set requirements for the receiver that are more stringent than is provided in this section.**

(d) **Upon the request of the enforcement authority or the enforcement authority's designee, a circuit court acting under section 17 of this chapter may appoint a receiver to take possession of, rehabilitate, and transfer the property. The receiver may be any competent person who has been approved by the enforcement authority.**

(e) **If the enforcement authority or the enforcement authority's designee requests the appointment of a receiver, all persons having a substantial interest in the property shall be made party defendants and given notice.**

(f) **A receiver shall provide written notice to the county auditor and the county treasurer that a receiver has been appointed.**

(g) **The county treasurer may file a proof of claim with the receiver that identifies the taxes that are owed at the time the receiver took possession of the property. The proof of claim must include a detailed breakdown of all taxes, special assessments, fees, fines from the enforcement authority, and penalties that are owed on the property.**

(h) **The county treasurer may request that the county auditor waive penalties that incurred after the proof of claim is filed. The county auditor may waive such penalties.**

(i) **A receiver appointed to transfer property may do the following:**

- (1) **Enter into contracts and do all things necessary to maintain, rehabilitate, and prepare the property for sale, including demolition of structures or parts of structures that may not reasonably be rehabilitated.**
- (2) **Enter into any contracts and do all things necessary to accomplish the transfer of the property.**
- (3) **Investigate claims on the proceeds of sale submitted under subsection (k).**

The enforcement authority may utilize funds from the unsafe building fund for expenses incurred by the receiver in carrying out the receiver's responsibilities.

(j) **A transfer under this section shall be conducted as follows:**

- (1) **The property shall be offered at a public auction, unless the property is claimed at any time by a recorded owner of the property.**
- (2) **A bidder must be in good standing as determined by the enforcement authority or by the receiver acting as the enforcement authority's designee. The receiver may establish minimum qualifications for bidders, investigate a bidder's qualifications and ability to rehabilitate the property, and prequalify bidders before holding an auction. A person prohibited from bidding at an auction held under IC 6-1.1-24-6.1 may not bid at a receiver's auction held under this section.**
- (3) **The receiver may establish a minimum bid for the auction.**
- (4) **Notice of the auction must be given by publication and such other means as determined by the receiver at least thirty (30) days before the auction.**
- (5) **The receiver may cancel the auction at any time and for any reason. The auction may be rescheduled as determined by the receiver.**
- (6) **The receiver may impose any reasonable conditions upon the sale.**

(k) **After the transfer of title to the purchaser, the receiver shall serve a notice on all persons who, before the transfer, had a known or recorded substantial property interest in the property. The notice must contain the following information:**

- (1) The fact of the transfer and the purchase price paid.
- (2) The order in which the proceeds of the sale are to be applied as described in subsection (l).
- (3) Instructions for submitting a claim.
- (4) The date by which a claim must be submitted, which may not be less than ninety (90) days after the date the notice is served.
- (5) If the receiver takes reasonable steps but is unable to locate a person entitled to notice under this subsection, the receiver may serve the notice by publication. Any proceeds from the sale remaining after all claims have been paid shall be deposited in the unsafe building fund or a fund designated by the local ordinance.

(l) The proceeds of the sale shall be applied in the following order:

- (1) Current year taxes of not to exceed two thousand five hundred dollars (\$2,500).
- (2) The receiver's expenses, including administrative expenses, and costs of sale.
- (3) Any additional current year taxes in addition to the limit set in subdivision (1), delinquent taxes, and penalties, unpaid fees and fines issued by the enforcement authority, and special assessment accrued on the property.
- (4) Any liens on the property in their order of priority.
- (5) Any remaining money shall be paid to the divested owner.

(m) The issuing authority of the special assessments may choose to waive the special assessments and not collect them.

(n) A deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments that accrue after the sale. However, subject to subsection (o), the estate is subject to the following:

- (1) All easements, covenants, declarations, and other deed restrictions shown by public records.
- (2) Laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection.
- (3) Liens and encumbrances created or suffered by the grantee.

(o) A deed executed under this section:

- (1) does not operate to extinguish an easement recorded before the date of the sale in the office of the recorder of the county in which the real property is located, regardless of whether the easement was taxed separately from the real estate; and
- (2) conveys title subject to all easements recorded before the date of the sale in the office of the recorder of the county in which the real property is located.

SECTION 48. IC 36-7-9-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) The enforcement authority shall record in the office of the county recorder orders issued under section 5(a)(6), 5(a)(7), or 6(a), or 7.5 of this chapter. If the enforcement authority records an order issued under section 5(a)(6), 5(a)(7), or 6(a), or 7.5 of this chapter, statements of rescission issued under section 6(b) of this chapter, statements that public bids are to be let under section 11 of this chapter, and records of action in which the order is affirmed, modified, or rescinded taken by the hearing authority under section 7 of this chapter shall be recorded. The recorder shall charge the fee required under IC 36-2-7-10 for recording these items.

(b) A person who takes an interest in unsafe premises that are the subject of a recorded order takes that interest, whether or not

a hearing has been held, subject to the terms of the order and other documents recorded under subsection (a) and in such a manner that all of the requirements of sections 10, 11, and 17 through 22 of this chapter relating to the issuance of orders, service of orders and affirmation of orders are considered satisfied. If a hearing has been held, the interest is taken subject to the terms of the order as modified at the hearing, in other documents recorded under subsection (a), and in such a manner that all of the requirements of sections 10, 11, and 17 through 22 of this chapter relating to the issuance of orders, service of orders, and modification of orders at hearing are considered satisfied.

(c) A person who takes an interest in unsafe premises that are the subject of a recorded statement that public bids are to be let takes the interest subject to the terms of the statement and in such a manner that the notice of the statement required by section 11 of this chapter is considered given to the person."

Page 57, line 20, delete "As" and insert "(a) Except as provided in subsections (b) and (c), as".

Page 57, between lines 30 and 31, begin a new paragraph and insert:

"(b) If a person gives notice to the executive of the county, city, or town that has jurisdiction in the location of the property that the person owns the property, all proceedings under this chapter are terminated. An owner of the property may give notice in person, by telephone, by electronic mail, or by United States mail.

(c) This chapter does not apply to a property covered by an installment payment plan under IC 6-1.1-10-16."

Page 58, line 18, after "chapter," insert "or if an enforcement authority requests an abandonment determination from the hearing authority and has served the request as provided in IC 36-7-9,".

Page 58, line 18, after "court" insert "or hearing authority".

Page 58, line 20, delete "debtor," and insert "owner,".

Page 58, line 20, after "court" insert "or hearing authority".

Page 58, line 21, after "court" insert "or hearing authority".

Page 58, line 22, after "court's" insert "or hearing authority's".

Page 58, line 25, delete "court on" and insert "court or hearing authority on".

Page 58, line 25, delete "." and insert "or hearing authority.".

Page 58, line 29, after "court's" insert "or hearing authority's".

Page 58, line 33, delete ":" and insert "or hearing authority:".

Page 58, line 35, after "court" insert "or hearing authority".

Page 58, line 37, after "court" insert "or hearing authority".

Page 58, line 38, delete ";" and insert "or hearing authority;".

Page 58, line 40, delete "." and insert "or hearing authority.".

Page 59, line 1, after "court" insert "or hearing authority".

Page 59, line 2, after "court" insert "or hearing authority".

Page 59, line 4, after "court" insert "or hearing authority".

Page 59, line 5, after "court" insert "or hearing authority".

Page 59, line 7, after "court" insert "or hearing authority".

Page 59, line 8, delete "." and insert "or hearing authority.".

Page 59, line 9, after "court" insert "or hearing authority".

Page 59, line 10, after "court's" insert "or hearing authority's".

Page 59, line 13, delete ":" and insert "or hearing authority:".

Page 59, line 15, after "court's" insert "or hearing authority's".

Page 59, line 17, after "court's" insert "or hearing authority's".

Page 59, line 19, delete "." and insert "or hearing authority.".

authority."

Page 59, line 21, delete "." and insert "**or hearing authority**."

Renumber all SECTIONS consecutively.

(Reference is to SB 415 as reprinted February 17, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 528, 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 14, line 17, delete "Discharge the following duties:".

Page 14, delete lines 18 through 27.

Page 14, line 28, delete "(B) Under clause (A), demand" and insert "Demand".

Page 14, line 29, delete ":".

Page 14, line 29, reset in roman "who".

Page 14, line 30, delete "(i) that".

Page 14, line 30, reset in roman "illegal".

Page 14, line 30, delete ", territorial,".

Page 14, line 31, delete "; and".

Page 14, delete lines 32 through 34.

Page 14, line 35, after "records" insert ",".

Page 14, line 35, delete "referred to in item (i),".

Page 14, run in lines 17 through 36.

Page 15, line 25, delete ":".

Page 15, line 26, delete "(1)".

Page 15, line 26, delete "; and" and insert ":".

Page 15, run in lines 25 through 26.

Page 15, delete line 27.

Page 18, delete lines 19 through 42.

Page 26, delete lines 28 through 37.

Page 27, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 42. IC 5-28-15-7, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Subject to subsections (c) and (d), a zone business that claims any of the incentives available to zone businesses shall, **by letter postmarked** before June 1 of each year:

(1) submit to the board and to the zone U.E.A., on a form prescribed by the board, a verified summary concerning the amount of tax credits and exemptions claimed by the business in the preceding year; and

(2) pay the amount specified in section 5(a)(4) of this chapter to the board.

(b) In order to determine the accuracy of the summary submitted under subsection (a), the board is entitled to obtain copies of a zone business's tax records directly from the department of state revenue, the department of local government finance, or a county official, notwithstanding any other law. A summary submitted to a board or zone U.E.A. or a record obtained by the board under this section is confidential. A board member, a U.E.A. member, or an agent of a board member or U.E.A. member who knowingly or intentionally discloses information that is confidential under this section commits a Class A misdemeanor.

(c) The board may grant one (1) extension of the time allowed to comply with subsection (a) under the provisions of this subsection. To qualify for an extension, a zone business must apply to the board **by letter postmarked** before June 1. The application must be in the form specified by the board. The extension may not exceed forty-five (45) days under rules adopted by the board under IC 4-22-2.

(d) If a zone business that did not comply with subsection (a) before June 1 and did not file for an extension under subsection (c) before June 1 complies with subsection (a) before July 16, the amount of the tax credit and exemption incentives for the preceding year that were otherwise available to the zone business because the business was a zone business are waived, unless the zone business pays to the board a penalty of fifteen percent (15%) of the amount of the tax credit and exemption incentives for the preceding year that were otherwise available to the zone business because the business was a zone business. A zone business that pays a penalty under this subsection for a year must pay the penalty to the board before July 16 of that year. The board shall deposit any penalty payments received under this subsection in the enterprise zone fund.

(e) This subsection is in addition to any other sanction imposed by subsection (d) or any other law. If a zone business fails to comply with subsection (a) before July 16 and does not pay any penalty required under subsection (d) **by letter postmarked** before July 16 of that year, the zone business is:

(1) denied all the tax credit and exemption incentives available to a zone business because the business was a zone business for that year; and

(2) disqualified from further participation in the enterprise zone program under this chapter until the zone business:

(A) petitions the board for readmission to the enterprise zone program under this chapter; and

(B) pays a civil penalty of one hundred dollars (\$100)."

Page 29, delete lines 20 through 28.

Renumber all SECTIONS consecutively.

(Reference is to SB 528 as reprinted February 17, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 567, 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 6, delete "a day".

Page 1, line 6, strike "in January" and insert "**a day**".

Page 2, line 4, delete "March".

Page 2, line 4, strike "1." and insert "**April 1**".

Page 2, line 32, strike "March 15" and insert "**April 15**".

Page 18, line 25, delete "March".

Page 18, line 25, strike "1," and insert "**April 1**".

Page 18, line 26, delete "March 15" and insert "**April 15**".

Page 31, line 1, strike "March 15" and insert "**April 15**".

(Reference is to SB 567 as reprinted February 10, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Joint Resolution 2, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SJR 2 as printed January 28, 2015.)

Committee Vote: Yeas 9, Nays 3.

STEUERWALD, 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 6, 8, 177, 311, 423, 474, 492, 514 and 516.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 2

Representative Mayfield called down Engrossed Senate Bill 2 for third reading:

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

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

Roll Call 372: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 33

Representative Lehman called down Engrossed Senate Bill 33 for third reading:

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

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

Roll Call 373: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 293

Representative Clere called down Engrossed Senate Bill 293 for third reading:

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

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

Roll Call 374: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 324

Representative McNamara called down Engrossed Senate Bill 324 for third reading:

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

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

Roll Call 375: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 355

Representative Koch called down Engrossed Senate Bill 355 for third reading:

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

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

Roll Call 376: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 380

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

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

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

Roll Call 377: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:13 p.m. with the Speaker in the Chair.

Upon request of Representative DeLaney, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 378: 67 present. The Speaker declared a quorum present.

Representatives Hale and Judy, who had been present, are now excused.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 390

Representative Slager called down Engrossed Senate Bill 390 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

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

Engrossed Senate Bill 509

Representative Clere called down Engrossed Senate Bill 509 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 509-2)

Mr. Speaker: I move that Engrossed Senate Bill 509 be amended to read as follows:

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

"SECTION 1. IC 5-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This article applies to the following:

(1) The state, **including a state educational institution (as defined in IC 21-7-13-32).**

(2) A political subdivision in a county containing a consolidated city.

(3) A political subdivision in a county where:

(A) the legislative body of the political subdivision; or
(B) if the political subdivision does not have a legislative body, the fiscal body of the political subdivision;

adopts the provisions of this article by resolution or ordinance."

Renumber all SECTIONS consecutively.
(Reference is to ESB 509 as printed March 27, 2015.)

TRUITT

Motion prevailed.

HOUSE MOTION
(Amendment 509-7)

Mr. Speaker: I move that Engrossed Senate Bill 509 be amended to read as follows:

Page 5, between lines 14 and 15, begin a new line block indented and insert:

"However, the failure to make a written certification under this subdivision does not bar a student from receiving a scholarship."

(Reference is to ESB 509 as printed March 27, 2015.)

PORTER

Motion failed. The bill was ordered engrossed.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 461

Representative Clere called down Engrossed Senate Bill 461 for third reading:

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

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

Roll Call 379: yeas 54, nays 39. 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 Judy, who had been present, is now excused.

Engrossed Senate Bill 464

Representative Clere called down Engrossed Senate Bill 464 for third reading:

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

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

Roll Call 380: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 484

Representative Frye called down Engrossed Senate Bill 484 for third reading:

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

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

Roll Call 381: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 531

Representative Price called down Engrossed Senate Bill 531 for third reading:

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

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

Roll Call 382: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1101, 1242, 1545 and 1613 on April 7.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 566 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 199:

Conferees: Bray, Chairman; and Arnold
Advisors: Head, Randolph and Ford

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 249:

Conferees: Leising, Chairman; and Mrvan
Advisors: Glick, Randolph and Houchin

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 298:

Conferees: Banks, Chairman; and Arnold
Advisors: Yoder, Crider and Stoops

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 369:

Conferees: Pete Miller, Chairman; and Breaux
Advisors: Buck, Broden and L. Brown

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 425:

Conferees: Holdman, Chairman; and Mrvan
Advisors: Walker, Arnold, Raatz and Perfect

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 508:

Conferees: Steele, Chairman; and Randolph
Advisors: Messmer, Mrvan and Houchin

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 532:

Conferees: Head, Chairman; and Tallian
Advisors: Houchin, Taylor and L. Brown

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 62 and 65 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 Resolution 45 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as cosponsor of Engrossed Senate Bill 2.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives GiaQuinta and Austin be added as cosponsors of Engrossed Senate Bill 6.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be added as cosponsor of Engrossed Senate Bill 33.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 113.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lawson and Mahan be added as cosponsors of Engrossed Senate Bill 324.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as cosponsor of Engrossed Senate Bill 355.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Carbaugh be added as cosponsor of Engrossed Senate Bill 380.

SLAGER

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 Schaibley be added as cosponsor of Engrossed Senate Bill 423.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Errington be added as cosponsor of Engrossed Senate Bill 473.

KOCH

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 Niezgodski be added as cosponsor of Engrossed Senate Bill 492.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hale be added as cosponsor of Engrossed Senate Bill 516.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative DeLaney be added as cosponsor of Engrossed Senate Bill 523.

FRIZZELL

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 V. Smith be added as cosponsor of Engrossed Senate Bill 531.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as cosponsor of Engrossed Senate Bill 559.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Errington be added as cosponsor of Engrossed Senate Bill 567.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as coauthor of House Resolution 46.

MOED

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Hale, Goodin, GiaQuinta, Forestal, Moed, Klinker, Lawson, Riecken, Pryor, Porter, Pierce, Pelath, Moseley, Niezgodski, Wright, Errington, Dvorak, Delaney, Macer, Summers, Stemler, Bauer, Arnold, Aylesworth, Bacon, Baird, Behning, Beumer, Borders, Bosma, Braun, T. Brown, Burton, Carbaugh, Cherry, Clere, Cook, Cox, Culver, Davisson, DeVon, Dermody, Eberhart, Friend, Frizzell, Frye, Gutwein, Hamm, Harman, Heaton, Huston, Judy, Karickhoff, Kersey, Kirchhofer, Koch, Lehe, Lehman, Leonard, Lucas, Mahan, Mayfield, McMillin, McNamara, Miller, Morris, Morrison, Negele, Nisly, Ober, Olthoff, Price, Rhoads, Richardson, Saunders, Schaibley, Shackelford, Slager, Smaltz, M. Smith, Soliday, Speedy, Steuerwald, Thompson, Torr, Truitt, Ubelhor, VanNatter, Washburne, Wesco, Zent and Ziemke be added as coauthors of House Concurrent Resolution 52.

HARRIS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Wolkins, the House adjourned at 5:00 p.m., this seventh day of April, 2015, until Thursday, April 9, 2015, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives