



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Fifteenth Day

Monday Afternoon

February 6, 2017

The invocation was offered by Minister Sid Dye of First Church of Salem, in Salem, a guest of Representative Davisson.

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 Davisson.

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 46: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 18

Representatives Burton and McNamara introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION honoring Adam Vinatieri.

Whereas, Adam Vinatieri has been a treasured member of the Indianapolis community since he joined the Indianapolis Colts in 2006;

Whereas, Born in Yankton, South Dakota, on December 28, 1972, Adam Vinatieri graduated from Central High School in Rapid City, South Dakota, where he lettered in football, soccer, track, and wrestling;

Whereas, Adam Vinatieri attended South Dakota State University and graduated with a degree in fitness and wellness, leaving behind an incredible football legacy as the university's all-time leading scorer with 185 career points;

Whereas, On March 22, 2006, Adam Vinatieri signed with the Indianapolis Colts;

Whereas, Adam Vinatieri just concluded his 21st NFL season, has been a part of an NFL record 221 victories, is a four-time Super Bowl champion, and continues each season to add to his accomplishments;

Whereas, Adam Vinatieri has totaled 2,378 regular season career points and 234 postseason points and is the first player in NFL history to record 1,000 points with two different teams;

Whereas, Adam Vinatieri has earned AFC Special Teams Player of the Week honors 16 times and NFL player of the week honors, and is a five-time AFC Special Teams Player of the Month;

Whereas, Adam Vinatieri has won four Super Bowls and participated in six, including Super Bowls XLI and XLIV with the Indianapolis Colts. Adam was an integral part of the Colts' win over the Bears in Super Bowl XLI;

Whereas, During his career, Adam Vinatieri has been responsible for 26 game-winning field goals in the final minute of the fourth quarter or overtime, including Super Bowl XXXVI (2002 vs. St. Louis) and Super Bowl XXXVIII (2004 vs. Carolina);

Whereas, Adam Vinatieri was the only player unanimously selected to the "Super Bowl 50 Golden Team" chosen by the Pro Football Hall of Fame Board of Selectors; and

Whereas, Truly a Hall of Fame player, Adam Vinatieri will forever be remembered as "the greatest that ever lived": 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 Adam Vinatieri not only for the many hours of exciting football he has given to Indianapolis fans but also for his dedication to the citizens of Indianapolis and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Adam Vinatieri and his family.

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

House Concurrent Resolution 19

Representatives Carbaugh and Heine introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Concordia Lutheran High School football team.

Whereas, On Saturday, November 26, 2016, at Lucas Oil Stadium in Indianapolis, Fort Wayne Concordia Lutheran High School won the state football championship in its first appearance in the state title game;

Whereas, The Concordia Lutheran Cadets defeated the Lawrenceburg Tigers 56-14 in the Class 3A title game;

Whereas, Concordia entered the championship game having won 11 straight games and ended the first quarter with a 21-0 lead;

Whereas, Concordia scored the first 49 points of the game, putting the game almost out of Lawrenceburg's reach by halftime;

Whereas, head coach Tim Mannigel's team set eight championship game records and tied four others;

Whereas, The Cadets set two overall state title game records - Most passing touchdowns (team): 6; and Most passing touchdowns (individual): 6, Peter Morrison; and several Class 3A state title game records - Most yards passing (team): 388; Total offensive yards (team): 614; Most first downs: 23; Most first downs by passing: 15; Most yards passing (individual): 376; and Longest touchdown pass: 70 yards from Peter Morrison to Andrew Bordner;

Whereas, The team's state championship and great 13-2 season are the consequence of a total team effort, and each member of the team, the managers, and the coaching staff should be praised for superior performance and team spirit; and

Whereas, Outstanding athletic accomplishments such as this deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Concordia Lutheran Cadets on their first Class 3A state football championship and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each team member; student managers Lauren Ratzburg, Layla Jones, Savannah Codling, Keyanna Gaines, Abbey Dunno, and Alonna Dixie; head coach Tim Mannigel; assistant coaches Andy

Morris, Mark Koehlinger, John Nommay, Matt Hicks, Seth Bennett, Lance Hoffman, Chris Brune, Jerry Ratzburg, Bruce Kilpatrick, Paul Fluegge, and Jacob Scare; athletic director Dean Doerffler; assistant athletic director Stephanie Marks; principal Patrick Frerking; and head of school Mychal Thom.

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 Brown.

House Resolution 16

Representatives V. Smith, Arnold, Austin, Aylesworth, Bacon, Baird, Bartlett, Bauer, Behning, Beumer, Borders, Bosma, Braun, C. Brown, T. Brown, Burton, Carbaugh, Cherry, Clere, Cook, Culver, Davisson, DeLaney, DeVon, Dvorak, Eberhart, Ellington, Engleman, Errington, Forestal, Friend, Frizzell, Frye, GiaQuinta, Goodin, Gutwein, Hamilton, Hamm, Harris, Hatfield, Heaton, Heine, Huston, Jordan, Judy, Karickhoff, Kersey, Kirchofer, Klinker, Lawson, Lehe, Lehman, Leonard, Lucas, Lyness, Macer, Mahan, May, Mayfield, McNamara, Miller, Moed, Morris, Morrison, Moseley, Negele, Nisly, Ober, Olthoff, Pelath, Pierce, Porter, Pressel, Pryor, Candelaria Reardon, Richardson, Saunders, Schaibley, Shackleford, Siegrist, Slager, Smaltz, M. Smith, Soliday, Speedy, Stemler, Steuerwald, Sullivan, Summers, J. Taylor, Thompson, Torr, VanNatter, Washburne, Wesco, Wolkins, Wright, J. Young, Zent and Ziemke introduced House Resolution 16:

A HOUSE RESOLUTION acknowledging the many accomplishments of Justice Robert D. Rucker on the occasion of his retirement.

Whereas, Justice Robert D. Rucker, the 105th justice appointed to the Indiana Supreme Court, was appointed to the Court in 1999 by Governor Frank O'Bannon;

Whereas, Justice Rucker was born in 1947 in Canton, Georgia, and grew up in Gary;

Whereas, Justice Rucker is also a Vietnam War veteran;

Whereas, Justice Rucker is a graduate of Indiana University and Valparaiso University School of Law;

Whereas, Justice Rucker earned a Master of Laws degree in the judicial process from the University of Virginia Law School;

Whereas, Throughout his career, Justice Rucker has been at the forefront in many areas, including his dedication to increasing the diversity in the legal profession by appointing women and lawyers of color to serve on various Supreme Court boards and commissions and consistently hiring lawyers of color to serve as his law clerks on the Court of Appeals and the Supreme Court;

Whereas, Prior to his appointment to the Indiana Supreme Court, Justice Rucker served as a judge on the Indiana Court of Appeals, having been appointed to that position in 1991 by Governor Evan Bayh. While on the Court of Appeals, Justice Rucker served as vice chair of the Indiana Commission for Continuing Legal Education;

Whereas, Justice Rucker was the first African American to serve on the Indiana Court of Appeals;

Whereas, Justice Rucker also served on the board of directors of the Indiana Trial Lawyers Association, on the board of directors of the Northwest Indiana Legal Services Organization, as a deputy prosecuting attorney for Lake County, City Attorney for the City of Gary, and practiced law in East Chicago;

Whereas, Active in his professional community, Justice Rucker is a member of the American Bar Association, the Indiana Judges Association, the Indiana State Bar Association,

the Marion County Bar Association, and the James C. Kimbrough Bar Association, is a fellow of the Indianapolis Bar Foundation, and served as the 2009-2010 chair of the Judicial Council of the National Bar Association; and

Whereas, Justice Robert D. Rucker is an outstanding Hoosier who is truly an American hero whose career stands as a shining example of what can be accomplished through hard work and dedication: 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 thanks Justice Robert D. Rucker for his immeasurable contributions to his state and his country and wishes him happiness and contentment in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Justice Robert D. Rucker and his family.

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 Tuesday, February 7, 2017, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 3. IC 5-11-10.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Upon the preparation and transmission of the copies of the list of the outstanding warrants or checks, the treasurer of the political subdivision shall enter the amounts so listed as a receipt into the fund or funds from which they were originally drawn and shall also remove the warrants or checks from the record of outstanding warrants or checks.

(b) If the disbursing officer does not serve also as treasurer of the political subdivision, the disbursing officer shall also enter the amounts so listed as a receipt into the fund or funds from which the warrants or checks were originally drawn. If the fund from which the warrant or check was originally drawn is not in existence, or cannot be ascertained, the amount of the outstanding warrant or check shall be receipted into the general fund of the political subdivision. **However, in the case of a school corporation, the warrant or check shall be receipted into the operations fund.**"

Page 6, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 5. IC 5-14-3.8-8, AS ADDED BY P.L.84-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) The department shall develop indicators of fiscal health for evaluating the fiscal health of a political subdivision. The department may consider including any of the following in the indicators developed under this subsection:

(1) The cash balance of a political subdivision.

(2) The debt to revenue ratio of a political subdivision.

(3) The condition of a political subdivision's property tax base and income tax base, if any, as measured by both the assessed value of the political subdivision and the amount of per capita revenue generated from the political subdivision's tax bases.

(4) The per capita amount of a political subdivision's general fund operating revenue **or in the case of a school corporation, the school corporation's education fund and operations fund revenue.**

(5) Any trends in the amount of a political subdivision's tax revenue.

(6) Whether a political subdivision maintains a structural deficit or a structural surplus.

(7) The number and size of the tax increment financing districts designated by a redevelopment commission established by the political subdivision, if any.

(8) The extent that the political subdivision is affected by tax increment financing districts.

(9) The extent that the political subdivision's property tax base is affected by exempt properties.

(10) The political subdivision's bond rating.

(11) The amount of retiree benefits paid by the political subdivision.

(12) The amount of pension contributions paid on behalf of the political subdivision's employees.

(13) Any other factor that the department considers relevant to evaluating the fiscal health of a political subdivision.

(b) The department shall use the indicators developed under subsection (a) and the associated fiscal data to present the information for evaluating the fiscal health of a political subdivision on the Indiana transparency Internet web site. The information must be presented in a manner that:

(1) can be conveniently and easily accessed from a single web page; and

(2) is commonly known as an Internet dashboard.

The information must be available on the Indiana transparency Internet web site in the format required by this subsection before July 1, 2015.

(c) Neither the department of local government finance nor any other state agency may use the fiscal health indicators developed under this section to assign a political subdivision a summative grade."

Page 19, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 18. IC 6-3.6-9-17, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(b) This section refers to a county's trust account maintained under the former local income tax laws set forth in IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 **(all as repealed January 1, 2017).**

(c) Before May 1, 2016, the budget agency shall make a one (1) time special distribution to each county having a positive balance in the county's trust account as of December 31, 2014.

(d) The amount of the special distribution from a county's trust account is one hundred percent (100%) of the balance in the county's trust account as of December 31, 2014, as determined by the budget agency.

(e) Before May 1, 2016, the budget agency and the department of local government finance shall do the following:

(1) For any county having a positive balance in the county's trust account as of December 31, 2014, determine the amount of the trust account balance as of December 31, 2014 (referred to as the county's trust balance amount).

(2) Determine each taxing unit's share of the county's trust balance amount (referred to as the taxing unit's allocation

amount), using the following allocation method for each former tax:

(A) For county adjusted gross income taxes (IC 6-3.5-1.1) **(repealed)** as follows:

(i) First, the taxing units that would have received property tax replacement credits shall be allocated that part of the county's allocation amount that would have been considered property tax replacements under IC 6-3.5-1.1 **(repealed)**.

(ii) The remaining amount of the county's allocation amount shall be allocated in the same manner as certified shares under IC 6-3.5-1.1 **(repealed)**.

(B) For county option income taxes (IC 6-3.5-6) **(repealed)**, the county's allocation amount shall be allocated in the same manner as certified shares under IC 6-3.5-6 **(repealed)**.

(C) For county economic development income taxes, the county's allocation amount shall be allocated in the same manner as a certified distribution under IC 6-3.5-7-12(b) **(repealed)** or IC 6-3.5-7-12(c) **(repealed)**, whichever applies.

(f) Before May 1, 2016, the budget agency and the department of local government finance shall jointly determine and provide to the county auditor the following:

(1) The county's trust balance amount.

(2) Each taxing unit's allocation amount.

(g) Before June 1, 2016, the county auditor shall distribute to each taxing unit an amount equal to the taxing unit's allocation amount.

(h) Money distributed to a county, city, or town may be expended only upon an appropriation by the county's, city's, or town's fiscal body as follows:

(1) At least seventy-five percent (75%) of the special distribution must be:

(A) used exclusively by the county, city, or town for:

(i) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(ii) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(iii) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5;

(iv) the purchase, rental, or repair of highway equipment;

(v) providing a match for a grant from the local road and bridge matching grant fund under IC 8-23-30; or

(vi) capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3-1; or

(B) deposited in the county's, city's, or town's rainy day fund established under IC 36-1-8-5.1. The money deposited in a rainy day fund under this clause may not be appropriated from the rainy day fund or transferred to another fund under IC 36-1-8-5.1(g), unless the money will be used exclusively for purposes set forth in clause (A).

(2) The remaining part of the special distribution may be used by the county, city, or town for any of the purposes of the county, city, or town.

The amount received by a taxing unit that is not a county, city, or town shall be deposited in the taxing unit's rainy day fund established under IC 36-1-8-5.1. **However, in the case of a school corporation, the school corporation may deposit the amount received in any of its funds.**"

Page 59, line 24, after "revenue" delete "." and insert "and,

for a school employer for which the voters have passed an operating tax levy referendum under IC 20-46-1, the amount of revenue certified by the department of local government finance."

Page 60, line 14, strike "that has" and insert "**for which the voters have**".

Page 60, line 15, after "operating" insert "**tax levy**".

Page 60, line 36, after "to" insert ":

(1)".

Page 60, line 37, after "revenue" insert "**or, for an employer for which the voters have passed an operating tax levy referendum under IC 20-46-1, a reduction in the amount of revenue from the tax levy;**".

Page 60, line 37, delete "or" and insert "or

(2)".

Page 60, line 40, beginning with "Revenue" begin a new line blocked left.

Page 62, line 3, after "revenue" insert "**and, for a school employer for which the voters have passed an operating tax levy referendum under IC 20-46-1, the amount of revenue certified by the department of local government finance,**".

Page 62, line 4, delete "The education" and insert "**Education**".

Page 67, delete lines 41 through 42.

Page 68, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 84. IC 20-40-9-7, AS AMENDED BY P.L.286-2013, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) Money in the fund may be used for payment of all unreimbursed costs of curricular materials for the school corporation's students who were eligible for free or reduced lunches in the previous school year.

(b) Money in the fund may not be used for payment of debt service, lease payments, or similar obligations for a controlled project that is approved by the voters in a referendum under IC 6-1.1-20.

~~(b)(c) The governing body may transfer the amount levied to cover unreimbursed costs of curricular materials under this section to the curricular materials rental fund or extracurricular account.~~ **education fund."**

Page 70, line 22, delete "resolution:" and insert "**resolution as follows:**".

Page 70, delete lines 23 through 24, begin a new line block indented and insert:

(1) For a school corporation that has not elected to adopt a budget under IC 6-1.1-17-5.6 or for which a resolution adopted under IC 6-1.1-17-5.6(d) is in effect, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than November 1 of the immediately preceding year.

(2) For a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than April 1 of the immediately preceding school fiscal year."

Page 70, line 25, delete "of the immediately preceding year."

Page 75, line 10, delete "resolution:" and insert "**resolution as follows:**".

Page 75, delete lines 11 through 12, begin a new line block indented and insert:

"(1) For a school corporation that has not elected to adopt a budget under IC 6-1.1-17-5.6 or for which a resolution adopted under IC 6-1.1-17-5.6(d) is in effect, the school corporation must hold the hearing and adopt the resolution after January 1 and not later than November 1 of the immediately preceding year.

(2) For a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6, the school corporation must hold the hearing and adopt the resolution after

January 1 and not later than April 1 of the immediately preceding school fiscal year."

Page 75, line 13, delete "of the immediately preceding year."

Page 95, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 130. IC 36-1-8-5, AS AMENDED BY P.L.233-2015, SECTION 328, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund **and is not a school corporation**, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision. **In the case of a school corporation, the school corporation may transfer the amount received to any of its funds.**

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township. However, if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Whenever any township has collected any fund for the special or specific purpose of erecting or constructing a school building and the township trustee of the township decides to abandon the proposed work of erecting or constructing the school building, the township trustee of the township shall transfer the fund collected for the special or specific purpose to the township fund of the township, upon the order of the township board to make the transfer. It is lawful thereafter to use the funds for any purpose for which the township funds of the township may be used.

(e) Transfers to a political subdivision's rainy day fund may be made at any time during the political subdivision's fiscal year."

Page 99, line 6, delete "provide" and insert "**make available to**".

Page 99, line 7, delete "with the".

Page 99, line 10, after "act." insert "**The department of local government finance shall make its guidance available to the extent the department has expertise with the fund or funds. The department of local government finance may refer a school corporation to the Indiana department of education or the state board of accounts for additional guidance.**".

Page 99, delete lines 12 through 13 and insert "**a report**

documenting identified issues in making the conversion required by this act".

Renumber all SECTIONS consecutively.

(Reference is to HB 1009 as printed January 31, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 1.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1013, 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 17.

Page 2, delete lines 1 through 5.

Page 2, line 8, delete "JULY 1, 2017]" and insert "JANUARY 1, 2018]:".

Page 2, line 22, delete "after June 30, 2019".

Page 2, line 29, delete "before July 1, 2019;" and insert ";".

Page 2, strike line 29.

Page 2, line 30, strike "(5)" and insert "(4)".

Page 2, line 31, strike "(6)" and insert "(5)".

Page 2, line 38, strike "(7)" and insert "(6)".

Page 2, line 42, strike "(8)" and insert "(7)".

Page 3, line 1, strike "(9)" and insert "(8)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1013 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 2.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1085, 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 2, line 13, delete "any bodily injury or".

Page 2, line 18, delete "has a good faith belief" and insert "**reasonably believes**".

Page 2, line 31, delete "than the person" and insert "**than is**".

Page 2, line 32, delete "believes".

Page 2, delete lines 37 through 42.

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1085 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1089, 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 17, delete "residential" and insert "**commercial**".

(Reference is to HB 1089 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 2.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1181, 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 146, delete lines 10 through 42.

Delete pages 147 through 151.

Page 152, delete lines 1 through 5.

Renummer all SECTIONS consecutively.

(Reference is to HB 1181 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1284, 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 HB 1284 as introduced.)

Committee Vote: Yeas 15, Nays 6.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1351, 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 HB 1351 as introduced.)

Committee Vote: Yeas 20, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1415, 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 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 14-8-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 188. "Operate" has the following meaning:

(1) For purposes of IC 14-15, the act of navigating, driving, steering, sailing, rowing, paddling, or otherwise moving or exercising physical control over the movement of a watercraft. **However, the term does not include a watercraft that is anchored or moored.**

(2) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-4."

Page 2, line 36, delete "(5), including increasing a minimum fee" and insert "(5)".

Page 2, line 37, delete "specified", begin a new line block indented and insert:

"(7) Increase a fee for a license or permit that is specified as a minimum fee".

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 4. IC 14-15-3-17, AS AMENDED BY P.L.119-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. ~~(a) A person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of~~

~~the lake at a place or point where the lake or channel is at least five hundred (500) feet in width; except for the purpose of trolling or for the purpose of approaching or leaving a dock, pier, or wharf or the shore of the lake or channel.~~

~~(b) (a) Except as provided in subsection (c); (b), a person operating may not operate a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.~~

~~(c) (b) This subsection applies to lakes formed by hydroelectric dams in a county having a population of:~~

~~(1) more than twenty-four thousand five hundred (24,500) but less than twenty-five thousand (25,000); or~~

~~(2) more than twenty thousand (20,000) but less than twenty thousand five hundred (20,500).~~

A person **operating may not operate** a motorboat ~~may not approach or pass~~ within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the principal body of water flowing into the lakes."

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

"SECTION 3. IC 14-22-2-8, AS ADDED BY P.L.110-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) This section applies to a hunting season beginning after June 30, 2016, and ending before January 1, 2020.

(b) A hunter may use a rifle during the firearms season to hunt deer subject to the following:

(1) The use of a rifle is permitted only on privately owned land.

(2) The rifle must have a barrel length of at least sixteen (16) inches.

(3) The rifle must be chambered for **a cartridge that is two hundred forty-three thousandths (.243) of an inch in diameter or larger. one (1) of the following cartridges:**

~~(A).243:~~

~~(B).30-30:~~

~~(C).300:~~

~~(D).30-06:~~

~~(E).308:~~

(4) The rifle must fire a cartridge that has a minimum case length of one and sixteen-hundredths (1.16) inches.

~~(4) (5) A hunter may not possess more than ten (10) cartridges for the rifle while hunting deer under this section.~~

~~(5) (6) The rifle must meet any other requirements established by the department.~~

(c) The use of a full metal jacketed bullet to hunt deer is unlawful.

(d) The department shall report on the impact of the use of rifles to hunt deer under this section to the governor and, in an electronic format under IC 5-14-6, the general assembly before February 15, 2020.

(e) This section expires June 30, 2020."

Page 3, line 4, delete "set" and insert **"adjust"**.

Page 3, line 27, delete "rules" and insert **"fees"**.

Page 4, delete lines 32 through 37, begin a new paragraph and insert:

"SECTION 6. IC 14-22-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. A person may not kill or cripple a wild animal without making a reasonable effort to retrieve the animal. **and include After the animal is retrieved the animal must be:**

(1) taken into the person's possession; and

(2) included in the person's daily bag limit, if applicable."

Page 7, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 14. IC 14-22-13-2, AS AMENDED BY P.L.151-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident or nonresident of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following **minimum** fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars (\$125).

(2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars (\$15).

(c) The fees in subsection (b) are subject to IC 14-22-2-10."

Page 10, after line 42, begin a new paragraph and insert:

"SECTION 32. IC 14-22-28-1, AS AMENDED BY P.L.219-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. The director may issue to a person that owns or has an interest in property:

(1) being damaged;

(2) threatened with damage; or

(3) on which a health or safety threat to persons or domestic animals is posed;

by a wild animal protected by this article a **free** permit to take the wild animal."

Renumber all SECTIONS consecutively.

(Reference is to HB 1415 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

EBERHART, Chair

Report adopted.

HOUSE 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: House Bills 1091, 1095, 1117, 1200, 1287, 1295, 1342, 1349, 1396, 1406, 1471, 1492, 1526, 1571, 1592 and 1642.

House Bill 1382

Representative Behning called down House Bill 1382 for second reading. The bill was re-read a second time by title.

HOUSE MOTION
(Amendment 1382-11)

Mr. Speaker: I move that House Bill 1382 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 2. IC 20-24-2-3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 3. The board of a charter school must consist of at least two (2) members who reside within the geographic boundaries of the school corporation in which the charter school is located.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as reprinted February 3, 2017.)

V. SMITH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 47: yeas 27, nays 67. Motion failed.

HOUSE MOTION
(Amendment 1382-12)

Mr. Speaker: I move that House Bill 1382 be amended to

read as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 4. IC 20-24-2.1-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6. The charter board may not authorize a charter school whose charter was not renewed or was revoked by another authorizer at least two (2) times prior to the organizer submitting its proposal to the charter board for authorization of the charter school.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as reprinted February 3, 2017.)

V. SMITH

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 48: yeas 27, nays 66. Motion failed.

HOUSE MOTION
(Amendment 1382-13)

Mr. Speaker: I move that House Bill 1382 be amended to read as follows:

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 12. IC 20-24-3-4, AS AMENDED BY P.L.179-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) An organizer may submit to the authorizer a proposal to establish a charter school.

(b) A proposal must contain at least the following information:

(1) Identification of the organizer.

(2) A description of the organizer's organizational structure and governance plan.

(3) The following information for the proposed charter school:

(A) Name.

(B) Purposes.

(C) Governance structure.

(D) Management structure.

(E) Educational mission goals.

(F) Curriculum and instructional methods.

(G) Methods of pupil assessment.

(H) Admission policy and criteria, subject to IC 20-24-5.

(I) School calendar.

(J) Age or grade range of students to be enrolled.

(K) A description of staff responsibilities.

(L) A description of the physical plant.

(M) Budget and financial plans.

(N) Personnel plan, including methods for selection, retention, and compensation of employees.

(O) Transportation plan.

(P) Discipline program, subject to IC 20-24-5.5.

(Q) Plan for compliance with any applicable desegregation order.

(R) The date when the charter school is expected to:

(i) begin school operations; and

(ii) have students attending the charter school.

(S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.

(T) Any other applications submitted to an authorizer in the previous five (5) years.

(4) The manner in which the authorizer must conduct an annual audit of the program operations of the charter school.

(c) Beginning July 1, 2017, at the time an organizer submits a proposal under subsection (a), the organizer shall submit to the authorizer and department a statement of

economic interest that contains the same information specified under IC 3-8-9-8 for each board member of the proposed charter school.

(e) (d) In the case of a charter school proposal from an applicant that currently operates one (1) or more charter schools in any state or nation, the request for proposals shall additionally require the applicant to provide evidence of past performance and current capacity for growth.

(d) (e) If the proposal described in subsection (a) concerns an existing charter school overseen by a different authorizer than the authorizer to which the organizer is submitting the proposal, the proposal must include written acknowledgement of the proposal from the current authorizer. Additionally, the authorizer receiving the proposal shall consult with the current authorizer before granting approval of the proposal.

(e) (f) This section does not waive, limit, or modify the provisions of:

(1) IC 20-29 in a charter school where the teachers have chosen to organize under IC 20-29; or

(2) an existing collective bargaining agreement for noncertificated employees (as defined in IC 20-29-2-11)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as reprinted February 3, 2017.)

V. SMITH

Upon request of Representatives Steuerwald and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 49: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1382-9)

Mr. Speaker: I move that House Bill 1382 be amended to read as follows:

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 13. IC 20-24-3-4.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.6. If an authorizer receives an order from the state board with findings that a member of the board of a proposed charter school has a conflict of interest, the authorizer shall reject the proposal for the charter school.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as reprinted February 3, 2017.)

V. SMITH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 50: yeas 26, nays 67. Motion failed.

Representative Candelaria Reardon, who had been excused, is now present.

HOUSE MOTION
(Amendment 1382-10)

Mr. Speaker: I move that House Bill 1382 be amended to read as follows:

Page 2, delete lines 22 through 30.

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as reprinted February 3, 2017.)

V. SMITH

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 51: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

House Bill 1335

Representative Kirchhofer called down House Bill 1335 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1335-2)

Mr. Speaker: I move that House Bill 1335 be amended to read as follows:

Page 3, line 18, after "resident" insert "**and fellow**".

Page 3, line 19, strike "the Indiana University School of".

Page 3, line 20, strike "Medicine for use by the school" and insert "**any accredited school of medicine or osteopathy located in Indiana or an accredited residency or fellowship training program**".

Page 4, line 13, delete "facility for patient support" and insert "**entity for**".

(Reference is to HB 1335 as printed January 27, 2017.)

KIRCHHOFER

Motion prevailed. The bill was ordered engrossed.

House Bill 1074

Representative Macer called down House Bill 1074 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1074-1)

Mr. Speaker: I move that House Bill 1074 be amended to read as follows:

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

"SECTION 1. IC 32-25.5-1-1, AS AMENDED BY P.L.164-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to subsection (b), this article applies to the following:

(1) A homeowners association established after June 30, 2009, that is authorized to impose mandatory dues on the homeowners association's members.

(2) A homeowners association established before July 1, 2009:

(A) if a majority of the members of the homeowners association elect to be governed by this article; or

(B) if the number of members required by the homeowners association's governing documents elect to be governed by this article if a different number of members other than the number established in clause (A) is required by the governing documents.

(b) The following apply to all homeowners associations, including a homeowners association described in subsection (a)(2), regardless of whether the members of the homeowners association have elected under subsection (a)(2)(A) or (a)(2)(B) to be governed by this article:

(1) IC 32-25.5-3-3(g) through IC 32-25.5-3-3(m).

(2) IC 32-25.5-3-9.

(3) IC 32-25.5-3-10.

(4) IC 32-25.5-3-11.

~~(4) (5) IC 32-25.5-4.~~

~~(5) (6) IC 32-25.5-5."~~

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

"SECTION 3. IC 32-25.5-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If:**

(1) a meeting of a homeowners association is called in accordance with the requirements of the homeowners association's governing documents, regardless of whether the meeting is:

(A) an annual meeting;

(B) a special meeting; or

(C) any other meeting called by the board or the members;

(2) a purpose of the meeting is the election or appointment of members of the board of directors of the homeowners association; and

(3) the number of members of the homeowners association in attendance at the meeting does not constitute a quorum as defined in the governing

documents of the homeowners association; the members of the board of directors at the time of the meeting may continue to serve until their successors are selected and qualified, regardless of the length of any member's term or the number of terms the member has served.

(b) The failure of a homeowners association to achieve a quorum at a meeting described in subsection (a) does not exempt any member from, or create an affirmative defense for any member with respect to:

(1) the member's obligations under the homeowners association's governing documents; or

(2) the member's obligations to otherwise abide by covenants regulating:

(A) the use of real estate; or

(B) the payment of assessments.

(c) If a homeowners association's governing documents permit both the homeowners association and members of the homeowners association to enforce provisions of the governing documents, the homeowners association has authority both:

(1) as a corporation or an entity; and

(2) as derived from the members of the homeowners association's board;

to enforce the governing documents of the homeowners association."

Renumber all SECTIONS consecutively.

(Reference is to HB 1074 as printed February 3, 2017.)

HUSTON

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1048

Pursuant to House Rule 143, the author of House Bill 1048, Representative Aylesworth, granted consent to the coauthor, Representative DeLaney, to call the bill down for second reading. Representative DeLaney called down Engrossed House Bill 1048 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 52: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Niemeyer and Charbonneau.

Engrossed House Bill 1154

Representative Leonard called down Engrossed House Bill 1154 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 53: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Boots.

Engrossed House Bill 1171

Representative Mahan called down Engrossed House Bill 1171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code

concerning local government.

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

Roll Call 54: yeas 91, nays 4. 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. Senate sponsors: Senators Boots, Holdman and G. Taylor.

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

Engrossed House Bill 1235

Representative Lehe called down Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

Roll Call 55: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Leising.

Engrossed House Bill 1272

Representative Negele called down Engrossed House Bill 1272 for third reading:

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

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

Roll Call 56: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Doriot.

Engrossed House Bill 1274

Representative Summers called down Engrossed House Bill 1274 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 57: 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. Senate sponsor: Senator Bray.

Engrossed House Bill 1286

Representative Stemler called down Engrossed House Bill 1286 for third reading:

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

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

Roll Call 58: 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. Senate sponsor: Senator Grooms.

Engrossed House Bill 1336

Representative Kirchhofer called down Engrossed House Bill 1336 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 59: 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. Senate sponsor: Senator Charbonneau.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:21 p.m. with the Deputy Speaker Pro Tempore, Representative Karickhoff, in the Chair.

Upon request of Representative Austin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 60: 78 present. The Speaker declared a quorum present.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1133

Representative Lehman called down Engrossed House Bill 1133 for third reading:

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

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1133, 3rd Reading. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am a co-owner of a short term rental.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1133, 3rd Reading. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am a owner of a short term rental.

MOED

Motion prevailed.

Roll Call 61: yeas 48, nays 45. The bill failed for a lack of constitutional majority.

HOUSE BILLS ON SECOND READING

House Bill 1004

Representative Behning called down House Bill 1004 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1004-6)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 1, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-142.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 142.9. "Potential eligible provider or existing eligible provider", for purposes of IC 12-17.2-3.6, has the meaning set forth in IC 12-17.2-3.6-6.5.**"

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

"SECTION 3. IC 12-17.2-3.6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6.5. As used in this chapter, "potential eligible provider or existing eligible provider" refers to an entity that qualifies as a potential eligible provider or existing eligible provider under section 16(b) of this chapter.**"

Page 2, line 4, delete "eligible developers" and insert "potential eligible providers or existing eligible providers".

Page 2, line 23, delete "eligible developers" and insert "potential eligible providers or existing eligible providers".

Page 2, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 6. IC 12-17.2-3.6-13, AS ADDED BY P.L.2-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13. (a)** The division may award a grant from the fund to an applicant that:

(1) agrees to:

(A) operate as an eligible provider; **or**

(B) **use the grant to:**

(i) **increase the capacity of providers of eligible services to serve a greater number of eligible children;**

(ii) **increase the number of providers of eligible services; or**

(iii) **increase the capacity as described in item (i) and increase the number as described in item (ii);**

and operate as an eligible provider or that the applicant intends to operate as an eligible provider;

(2) **subject to subsection (d), either:**

(A) has obtained a matching gift or grant; or

(B) has a commitment for a matching gift or grant;

from any combination of foundations, other nonprofit entities, individuals, or for-profit entities for the purposes of the applicant's program of eligible services **or expansion plan described in section 16(b) of this chapter;**

(3) provides the division with a plan for use of the grant and any related matching funds that demonstrates to the satisfaction of the division that use of the grant and related matching funds will increase the number of eligible children receiving eligible services;

(4) enters into a written agreement with the division concerning the:

(A) delivery of eligible services **or an expansion plan;** and **the**

(B) use of a grant provided under this chapter that incorporates the plan approved by the division under subdivision (3); and

(5) provides to the division any other information that the division determines necessary or appropriate for the grant.

(b) The division may award a grant under this chapter to an applicant that:

(1) meets the requirements to receive a grant as a potential eligible provider or existing eligible provider under this chapter for the purposes described in

subsection (a)(1)(B); and

(2) is located in a county in which the pilot program under IC 12-17.2-7.2 is implemented, including an applicant that is an eligible provider (as defined in IC 12-17.2-7.2-2).

(c) The division may award two (2) grants under this chapter to the same applicant if the applicant:

(1) applies to:

(A) operate as an eligible provider; and

(B) implement an expansion plan as a potential eligible provider or existing eligible provider; and

(2) is otherwise eligible to receive each grant under this chapter.

(d) The matching grant or gift required under subsection (a)(2) may be:

(1) a monetary matching grant or gift; or

(2) an in kind matching grant or gift if the in kind grant or gift was obtained within the previous year.

(e) The office of the secretary shall determine whether an in kind grant or gift is an appropriate in kind grant or gift to meet the requirements under subsection (a)(2).

SECTION 7. IC 12-17.2-3.6-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13.5. If a potential eligible provider or existing eligible provider fails to:**

(1) use the grant funds in accordance with the expansion plan described in section 16(b) of this chapter; or

(2) comply with the agreement entered into with the division under section 16(b) of this chapter;

the potential eligible provider or existing eligible provider shall repay to the division the total amount of the grant awarded to the potential eligible provider or existing eligible provider under this chapter."

Page 3, delete lines 1 through 30.

Page 4, delete lines 2 through 33, begin a new paragraph and insert:

"SECTION 9. IC 12-17.2-3.6-16, AS ADDED BY P.L.2-2014, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 16. (a) To qualify as an eligible provider, an applicant must:**

(1) be an entity other than an individual;

(2) provide eligible services to individuals for at least one hundred eighty (180) days per year;

(3) administer the kindergarten readiness assessment (ISTAR-KR) adopted by the department of education to children receiving eligible services as required by the division;

(4) include a parental involvement component in the delivery of eligible services that is based on the requirements and guidelines established by the division;

(5) comply with the agreement with the division concerning the delivery of eligible services and the use of a grant provided under this chapter; and

(6) comply with any other standards and procedures established under this chapter.

(b) To qualify as a potential eligible provider or existing eligible provider, an applicant must:

(1) be an entity other than an individual;

(2) provide an expansion plan to the division that details the potential eligible provider's or existing eligible provider's plan to:

(A) increase the capacity of providers of eligible services to serve a greater number of eligible children;

(B) increase the number of providers of eligible services; or

(C) increase the capacity as described in clause (A) and increase the number as described in clause (B);

(3) comply with the agreement with the division concerning the plan under subdivision (2) and the use of a grant awarded under this chapter;

(4) agree:

(A) to operate as an eligible provider; or

(B) that the applicant intends to operate as an eligible provider; and

(5) comply with any other standards and procedures established under this chapter."

Page 4, line 40, delete "eligible developers;" and insert "potential eligible providers or existing eligible providers;"

Page 11, line 26, delete "IC 12-17-7.2" and insert "IC 12-17.2-7.2".

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed February 3, 2017.)

BEHNING

Motion prevailed.

HOUSE MOTION

(Amendment 1004-1)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 9, delete lines 8 through 11.

Page 9, delete line 42.

Delete pages 10 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed February 3, 2017.)

V. SMITH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 62: yeas 36, nays 57. Motion failed.

HOUSE MOTION

(Amendment 1004-3)

Mr. Speaker: I move that House Bill 1004 be amended to read as follows:

Page 9, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 20. IC 12-17.2-7.2-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13.5. (a) On or before December 1, 2018, the office, in consultation with the department of education, shall develop a plan to implement the prekindergarten pilot program described in this chapter in each county by July 1, 2022. The plan must include the following:**

(1) A schedule for statewide expansion of the prekindergarten pilot program.

(2) Recommendations for funding the prekindergarten pilot program.

(3) An analysis of the cost necessary to implement the prekindergarten pilot program in each county.

(4) An analysis of issues relating to the capacity of providers to provide eligible services in each county and an explanation of how the office will address these issues.

(5) Any other information that is necessary for the plan.

(b) The office shall submit a copy of the plan to the:

(1) budget committee;

(2) office of management and budget;

(3) governor; and

(4) general assembly in an electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to HB 1004 as printed February 3, 2017.)

DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 63: yeas 28, nays 63. Motion failed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER’S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representatives Karickhoff, Porter and Klinker be added as coauthors of House Bill 1013.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1032.

HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Bill 1074.

MACER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Judy and Bacon be added as coauthors of House Bill 1089.

ELLINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as coauthor of House Bill 1091.

WASHBURNE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Culver be added as coauthor of House Bill 1119.

D. MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin and Carbaugh be added as coauthors of House Bill 1137.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Moed and V. Smith be added as coauthors of House Bill 1155.

D. MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1162.

LUCAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Eberhart and Moseley be added as coauthors of House Bill 1250.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stemler and Shackelford be added as coauthors of House Bill 1272.

NEGELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Huston be added as coauthor of House Bill 1284.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1295.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Frye, Macer and Judy be added as coauthors of House Bill 1324.

FORESTAL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stemler and Goodin be added as coauthors of House Bill 1342.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Frye and Forestal be added as coauthors of House Bill 1370.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1382.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hatfield and Smaltz be added as coauthors of House Bill 1406.

WASHBURNE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Arnold and Errington be added as coauthors of House Bill 1415.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives V. Smith and Burton be added as coauthors of House Bill 1430.

OLTHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1440.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1453.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as coauthor of House Bill 1480.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stemler be added as coauthor of House Bill 1492.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1496.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ober, Austin and Shackleford be added as coauthors of House Bill 1540.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins and Porter be added as coauthors of House Bill 1549.

DELANEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Frye and Candelaria Reardon be added as coauthors of House Bill 1592.

SOLIDAY

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 Representatives Macer and Pierce be added as coauthors of House Bill 1626.

NEGELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Concurrent Resolution 12.

MOSELEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as coauthor of House Concurrent Resolution 19.

CARBAUGH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 117, 121, 175 and 513 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative GiaQuinta, the House adjourned at 6:46 p.m., this sixth day of February, 2017, until Tuesday, February 7, 2017, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives