



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Ninth Day

Thursday Morning

January 22, 2015

The invocation was offered by Pastor Matt Barnes of the Capitol Commission.

The House convened at 10:30 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Michael H. Karickhoff.

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 <input type="checkbox"/>	McNamara
T. Brown	D. Miller
Burton	Moed
Carbaugh	Morris <input type="checkbox"/>
Cherry	Morrison
Clere	Moseley
Cook	Negele
Cox	Niezdowski
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
Dermody	Pelath
DeVon	Pierce
Dvorak <input type="checkbox"/>	Porter
Eberhart	Price
Errington	Pryor
Fine	Rhoads <input type="checkbox"/>
Forestal	Richardson
Friend	Riecken
Frizzell <input type="checkbox"/>	Saunders
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Slager
Gutwein	Smaltz
Hale <input type="checkbox"/>	M. Smith
Hamm <input type="checkbox"/>	V. Smith
Harman	Soliday
Harris	Speedy
Heaton	Stemler
Huston	Steuerwald
Judy	Sullivan
Karickhoff	Summers
Kersey	Thompson
Kirchhofer	Torr

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 10: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 26, 2015, at 1:30 p.m.

BAIRD

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 10

Representatives Macer, Moed and Behning introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION congratulating the Ben Davis High School football team.

Whereas, The 12-2 Ben Davis Giants captured the Indiana High School Athletic Association Class 6A state football championship by defeating the top-ranked Carmel Greyhounds 42-24;

Whereas, This state championship win marks the eighth title won by Ben Davis, making the Giants the seventh school with as many crowns;

Whereas, Coming from behind has become a way of life for the tenacious Ben Davis Giants;

Whereas, The Giants rallied to defeat Warren Central 40-36 in the regional, and trailed Center Grove by 17 in the fourth quarter in the semistate before winning 49-45;

Whereas, Making its 10th appearance in a football championship game and the first in 12 years, the Ben Davis team did not panic when it fell behind by 17 points early in the second quarter, the team simply began chipping away at the lead;

Whereas, The first two touchdowns of the second half were the result of a fumble recovery and a pass interception, leading to scoring drives of 26 and 38 yards;

Whereas, With 5:38 left in the game, the Giants stunned the crowd when the team lined up as if to attempt a field goal, but holder Kyle Castner took the snap and headed for the end zone, scoring a three-yard touchdown putting Ben Davis ahead by 18;

Whereas, Kyle Castner completed 18 of 30 passes for 136 yards and two scores and running back Chris Evans rushed for 131 yards and a touchdown on 19 carries;

Whereas, Chris Evans, who rushed for 131 yards, added a 38-yard touchdown with 1:46 left in the game;

Whereas, Coach Mike Kirschner credits the Giants' state championship victory on the strength of victories over four consecutive top 10 teams to end the year;

Whereas, Athletics can play a major role in the development of our youth. Striving for excellence in athletics, as in life, helps to teach our children to always try to achieve their personal best in whatever they are doing; and

Whereas, The team's state championship and great 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: 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 Ben Davis Giants on its Indiana High School Athletic Association Class 6 football championship and to wish the team continued success both on and off the field.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the Ben Davis High School football team, Head Coach Mike Kirschner, Assistant Coaches Anthony Arnett, Jon Tate, LT Helton, and Brett Waller, Assistant Athletic Director Doug Schornick, Athletic Director John Clark, and Principal Sandra Squire.

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 sponsors: Senators M. Young and Delph.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1025, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

Page 1, line 3, delete "Article 1,".

Page 1, line 4, delete "subsection (b) of".

Page 1, line 5, after "chapter," insert "**upon written request by any person,**".

Page 1, line 5, delete "may, at the discretion of the bureau, hold" and insert "**may issue the person a driver's license if a party state reports that the driver's license of the person is suspended and the bureau determines that the:**

(1) party state's report is erroneous; and

(2) person's driver's license is not suspended by the party state or the suspension is terminated."

Page 1, delete lines 6 through 11.

(Reference is to HB 1025 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1053, 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 2, delete "only".

Page 2, line 3, delete "of:" and insert "**of any combination of the following:**".

Page 2, line 4, delete "and".

Page 2, line 5, after "IC 7.1-3-2-7(5);" insert "**and**

(3) an artisan distillery;".

Page 2, line 7, after "holds" delete "a" and insert "**any combination of a farm winery permit, a brewery permit under IC 7.1-3-2-7(5), and an artisan distiller's permit,**".

Page 2, delete line 8.

Page 2, line 10, delete "and".

Page 2, line 11, after ";" insert "**and**

(3) an artisan distillery's liquor;".

Page 2, line 13, delete "wine and the service of beer." and insert "**wine, the service of beer, and the service of liquor."**

(c) Except as provided in this chapter, the restrictions and provisions of a permittee's permit governing the sale or service of the alcoholic beverage that is the subject of the permit apply to the sale and service of the alcoholic beverage under this chapter.

(Reference is to HB 1053 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1101, 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 36, delete "seven (7)" and insert "**ten (10) business**".

Page 2, line 37, delete "calendar".

(Reference is to HB 1101 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1109, 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 1109 as introduced.)

Committee Vote: Yeas 10, Nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1138, 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 1138 as introduced.)

Committee Vote: Yeas 13, Nays 0.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1141, 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 1141 as introduced.)
Committee Vote: Yeas 11, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1150, 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 1150 as introduced.)
Committee Vote: Yeas 10, Nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1157, 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 14, reset in roman "initiated by or in consultation with a physician".

Page 1, line 15, reset in roman "licensed to practice medicine in".

Page 1, line 15, delete "Indiana. ordered by:" and insert "Indiana **or ordered by a qualified dietitian.**".

Page 2, delete lines 1 through 2.

(Reference is to HB 1157 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1216, 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 1216 as introduced.)
Committee Vote: Yeas 12, Nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1236, 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 1236 as introduced.)
Committee Vote: Yeas 13, Nays 0.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1282, 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 1282 as introduced.)

Committee Vote: Yeas 13, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1305, 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 12, delete "The" and insert "**Except as provided in IC 9-30-16-1(c), the**".

Page 2, line 40, delete "The license of a person who violates".

Page 2, delete lines 41 through 42.

Page 5, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 7. IC 9-26-1-1.1, AS ADDED BY P.L.217-2014, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:

(+) **Either:**

(A) **(1)** Immediately stop the operator's motor vehicle:

(i) **(A)** at the scene of the accident; or

(ii) **(B)** as close to the accident as possible in a manner that does not obstruct traffic more than is necessary. ~~or~~

(B) **(2)** Remain at the scene of the accident until the operator does the following:

(i) **(A)** Gives the operator's name and address and the registration number of the motor vehicle the operator was driving to any person involved in the accident.

(ii) **(B)** Exhibits the operator's driver's license to any person involved in the accident or occupant of or any person attending to any vehicle involved in the accident.

(C) **Contacts a 911 telephone operator.**

(+) **(3)** If the accident results in the injury or death of another person, the operator shall, in addition to the requirements of ~~subdivision~~ **subdivisions (1) and (2):**

(A) provide reasonable assistance to each person injured in or entrapped by the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator; and

(B) immediately give notice of the accident by the quickest means of communication to one (1) of the following:

(i) The local police department, if the accident occurs within a municipality.

(ii) The office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

(iii) **A 911 telephone operator.**

(+) **(4)** If the accident involves a collision with an unattended vehicle or damage to property other than a vehicle, the operator shall, in addition to the requirements of ~~subdivision~~ **subdivisions (1) and (2):**

(A) take reasonable steps to locate and notify the owner or person in charge of the damaged vehicle or property of the damage; and

(B) if after reasonable inquiry the operator cannot find the owner or person in charge of the damaged vehicle or property, ~~do the following~~ **the operator must contact a law enforcement officer or agency and provide the information required by this section.**

(i) Notify either the sheriff's department of the county in which the damaged vehicle or property is located or a member of the state police department.

(ii) Give the sheriff's department or the state police

department the information required by this section:

(b) An operator of a motor vehicle who knowingly or intentionally fails to comply with subsection (a) commits leaving the scene of an accident, a Class B misdemeanor. However, the offense is:

- (1) a Class A misdemeanor if the accident results in bodily injury to another person;
- (2) a Level 6 felony if:
 - (A) the accident results in serious bodily injury to another person; or
 - (B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);
- (3) a Level 5 felony if the accident results in the death of another person; and
- (4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5)."

Delete page 6.

Page 7, delete lines 1 through 2.

Page 7, line 8, strike "1.1(a)(2)" and insert "**1.1(a)(3)**".

Page 7, line 19, strike "1.1(a)(2)" and insert "**1.1(a)(3)**".

Page 7, line 27, strike "1.1(a)(2)" and insert "**1.1(a)(3)**".

Page 13, line 31, delete "IC 9-26-1-1(1)," and insert "IC 9-26-1-1(1) **(repealed January 1, 2015)**,".

Page 13, line 32, delete "IC 9-26-1-1(2), IC 9-26-1-2(1), IC 9-26-1-2(2), IC 9-26-1-3," and insert "IC 9-26-1-1(2) **(repealed January 1, 2015)**, IC 9-26-1-2(1) **(repealed January 1, 2015)**, IC 9-26-1-2(2) **(repealed January 1, 2015)**, IC 9-26-1-3 **(repealed January 1, 2015)**,".

Page 13, line 32, strike "or".

Page 13, line 33, delete "IC 9-26-1-4." and insert "IC 9-26-1-4 **(repealed January 1, 2015)**, or".

Page 15, line 19, strike "clear and convincing" and insert "**a preponderance of the**".

Page 15, line 41, delete "14." and insert "**14.1**".

Page 16, line 5, delete "(e)," and insert "**(f)**".

Page 16, delete lines 34 through 38.

Page 16, line 39, delete "(8)" and insert "**(6)**".

Page 16, line 41, delete "(9)" and insert "**(7)**".

Page 17, line 4, delete "(10)" and insert "**(8)**".

Page 17, line 8, delete "where the petitioner resides" and insert "**in which the petition is filed**".

Page 17, line 11, delete "where the petitioner" and insert "**in which the petition is filed**".

Page 17, line 12, delete "resides".

Page 17, delete lines 28 through 31.

Page 18, line 32, after "(2)" insert "**or three (3)**".

Page 18, line 32, after "convictions." insert "**If the state alleges only two (2) prior unrelated vehicular substance offense convictions, the allegation must include that at least one (1) of the prior unrelated vehicular substance offense convictions occurred within the ten (10) years before the date of the current offense.**".

Page 18, line 33, after "(a), a" insert "**prior vehicular substance offense is unrelated if the person has been convicted and sentenced for a vehicular substance offense after that person has been sentenced for a prior vehicular substance offense. However, a conviction does not count for purposes of subsection (a) if:**

- (1) it has been set aside; or
- (2) it is a conviction for which the person has been pardoned."

Page 18, line 33, strike "person has accumulated two (2)".

Page 18, strike lines 34 through 37.

Page 18, line 38, strike "vehicular substance offense convictions,".

Page 18, line 38, delete "one (1) of the".

Page 18, line 38, strike "prior".

Page 18, line 39, strike "unrelated".

Page 18, line 39, delete "convictions must".

Page 18, line 40, delete "have occurred within".

Page 18, line 40, strike "ten (10) years before the date of the".

Page 18, line 41, delete "current".

Page 18, line 41, strike "offense. If the person has at least three (3) prior".

Page 18, strike line 42.

Page 19, strike lines 1 through 4.

Page 19, line 13, after "convictions" insert "**at any time,**".

Page 19, line 14, strike "convictions." and insert "**convictions, with at least one (1) of the prior unrelated vehicular substance offense convictions occurring**".

Page 19, line 14, delete "The two (2)".

Page 19, line 15, delete "convictions must be".

Page 19, line 35, after "operator's," insert "**a commercial driver's,**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1305 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "four (4)" and insert "**five (5)**".

(Reference is to HB 1307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1318, 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 3, line 18, after "provider"" insert "**, as used in this chapter,**".

Page 3, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Every public utility, ~~and every communications service provider~~, every municipality, and every person, association, limited liability company, or corporation having tracks, conduits, subways, poles, or other equipment on, over, or under any street or highway shall for a reasonable compensation, permit the use of the same by any other public utility **or communications service provider** or by a municipality owning or operating a utility, whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owner or other users of such equipment, nor in any substantial detriment to the service to be rendered by such owners or other users. Every public utility for the conveyance of telephone messages shall permit a physical connection or connections to be made, and telephone service to be furnished, before any telephone system operated by it, and the telephone toll line operated by another such public utility or between its toll line

and the telephone system of another such public utility, or between its toll line and the toll line of another such public utility, or between its telephone system and the telephone system of another such public utility, whenever public convenience and necessity require such physical connection or connections and such physical connection or connections will not result in irreparable injury to the owner or other users of the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such public utilities. If any prospective consumers or patrons of any public utility for the production, transmission, delivery, or furnishing of light or power, living in territory outside of cities and towns, and within not to exceed one-half (1/2) mile of the transmission line of such utility, shall agree to and shall construct and install the necessary equipment, in compliance with plans and specifications prescribed by such utility, such public utility shall permit the necessary physical connection or connections to be made and service to be furnished to the person or persons who have constructed and installed such equipment. The term "physical connection", as used in this section, shall mean such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonably adequate telephone service between such public utilities.

(b) In case of failure to agree upon such use or the conditions or compensations for such use, or in case of failure to agree upon such physical connection or connections, or the terms and conditions upon which the same shall be made, any public utility or any person, association, limited liability company, or corporation interested may apply to the commission and if after investigation the commission shall ascertain that public convenience and necessity require such use or such physical connections, and that such use or such physical connection or connections would not result in irreparable injury to the owner or other users of such equipment or the facilities of such public utilities, nor in any substantial detriment to the service to be rendered by such owner or other public utilities or other users of such equipment or facilities, it shall by order direct that such use be permitted and prescribe reasonable conditions and compensations for such joint use and that such physical connection or connections be made and determine how and within what time such connection or connections shall be made, and by whom the expense of making and maintaining such connection or connections shall be paid.

(c) Such use so ordered shall be permitted, and such physical connection or connections so ordered shall be made and such conditions and compensation so prescribed for such use, and such terms and conditions upon which such physical connection or connections shall be made, as so determined, shall be lawful conditions and compensations for such use, and the lawful terms and conditions upon which such physical connection or connections shall be made, to be observed, followed, and paid, subject to recourse to the courts upon the complaint of any interested party as provided in sections 73 and 74 of this chapter and IC 8-1-3, and such statute so far as applicable shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion."

Delete page 4.

Page 5, delete lines 1 through 18.

Page 5, line 38, delete "and" and insert "or".

Page 6, delete lines 27 through 35, begin a new paragraph and insert:

"Sec. 8. (a) As used in this chapter, "small cell facility" means:

- (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or**
- (2) a wireless service facility that satisfies the following requirements:**

(A) Each antenna, including exposed elements, has a volume of three (3) cubic feet or less.

(B) All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.

(C) The primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less."

Page 6, line 36, delete "(a)(2)(B)," and insert "(a)(2)(C)."

Page 8, delete lines 16 through 42, begin a new paragraph and insert:

"Sec. 15. (a) A permit authority may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application for a permit unless the permit authority requires payment of the same or a similar fee for applications for permits for similar types of commercial development within the jurisdiction of the permit authority.

(b) A fee associated with the submission, review, processing, or approval of an application for a permit, including a fee imposed by a third party that provides review, technical, or consulting assistance to a permit authority, must be based on actual, direct, and reasonable costs incurred for the review, processing, and approval of the application.

(c) A fee described in this section may not include:

- (1) travel expenses incurred by a third party in its review of an application; or**
- (2) direct payment or reimbursement of third party fees charged on a contingency basis.**

Sec. 16. (a) A permit authority may not discriminate among communications service providers or public utilities with respect to the following:

- (1) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.**
- (2) Authorizing or approving tax incentives for wireless or wireline communications facilities.**
- (3) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the permit authority.**

(b) Notwithstanding subsection (a), a permit authority may not impose a setback or fall zone requirement for a wireless support structure that is designed to collapse within an area that is smaller than the setback or fall zone requirement unless the permit authority demonstrates to the satisfaction of the applicant that the engineering certification for the wireless support structure is flawed.

Sec. 17. A permit authority may not limit the height of a wireless structure to less than two hundred (200) feet."

Delete page 9.

Page 10, delete lines 1 through 13.

Page 10, line 14, delete "20." and insert "18."

Page 10, line 21, delete "21." and insert "19."

Page 10, delete lines 32 through 42, begin a new paragraph and insert:

"Sec. 20. (a) An application for a permit to construct a new wireless support structure must include only the following:

- (1) All information required by section 19 of this chapter.**
- (2) A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.**
- (3) Evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of**

wireless facilities on an existing wireless support structure was not a viable option because collocation:

- (A) would not result in the same wireless service functionality, coverage, and capacity;
- (B) is technically infeasible; or
- (C) is an economic burden to the applicant.

(b) An application that contains the information required under subsection (a) is considered complete.

(c) A permit authority shall review an application within ten (10) days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(d) An applicant that receives a written notice under subsection (c) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within thirty (30) days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(e) Not more than ninety (90) days after making an initial determination of completeness under subsection (c), a permit authority shall:

- (1) review the application to determine if it complies with applicable laws and ordinances governing land use and zoning; and
- (2) notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time under subsection (d) to cure defects in the application, the ninety (90) day period is extended for a corresponding amount of time.

Sec. 21. (a) An application for a permit for substantial modification of a wireless support structure must include only the following:

- (1) All information required by section 19 of this chapter.
- (2) A construction plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

(b) An application that contains the information required under subsection (a) is considered complete.

(c) A permit authority shall review an application within ten (10) days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(d) An applicant that receives a written notice under subsection (c) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within thirty (30) days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(e) Not more than ninety (90) days after making an initial determination of completeness under subsection (c), a permit authority shall:

- (1) review the application to determine if it complies with applicable laws and ordinances governing land use and zoning; and
- (2) notify the applicant in writing whether the

application is approved or denied.

However, if the applicant requested additional time under subsection (d) to cure defects in the application, the ninety (90) day period is extended for a corresponding amount of time.

Sec. 22. (a) An application for a permit for collocation must include only the following:

(1) All information required by section 19 of this chapter.

(2) Evidence of conformance with applicable building permit requirements.

(b) An application for a permit for collocation:

(1) is not required to comply with zoning or land use requirements; and

(2) is not subject to public hearing.

(c) A permit authority may allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities that are located within the jurisdiction of the permit authority. The permit authority may issue a single permit for all wireless service facilities included in the application rather than individual permits for each wireless service facility.

(d) A permit authority shall review an application within five (5) days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(e) An applicant that receives a written notice under subsection (d) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within fifteen (15) days of receiving the notice. If an applicant is unable to cure the defects within the fifteen (15) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(f) Not more than forty-five (45) days after making an initial determination of completeness under subsection (d), a permit authority shall:

(1) review the application to determine its conformity with applicable building permit requirements; and

(2) notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time under subsection (e) to cure defects in the application, the forty-five (45) day period is extended for a corresponding amount of time.

Sec. 23. (a) In a written notice issued under section 20, 21, or 22 of this chapter, a permit authority shall state clearly the basis for its decision to approve or deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial.

(b) For purposes of this section, a notice is considered written if it is included in the minutes of a public meeting of a permit authority.

(c) If a permit authority fails to act on an application within the applicable deadline under section 20, 21, or 22 of this chapter, the application is considered approved."

Delete page 11.

Page 12, delete lines 1 through 3.

Page 12, line 4, delete "26." and insert "24."

Page 12, line 7, delete "27." and insert "25."

Page 12, line 10, delete "28." and insert "26."

Page 12, delete lines 16 through 42.

Page 13, delete lines 1 through 7.

Page 13, line 8, delete "31." and insert "27."

Re-number all SECTIONS consecutively.

(Reference is to HB 1318 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1362, 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 1362 as introduced.)

Committee Vote: Yeas 12, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1434, 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 6, line 18, after "services" insert "**or a court**".

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 6. IC 31-9-2-58.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 58.2. "Independent living", for purposes of IC 31-28-5.8, IC 31-34-20, and IC 31-37-19, means a living arrangement that provides housing for a youth that is not supervised on site, such as a dormitory, apartment, or shared housing, and is not a foster home, host home, group home, child caring institution, or private secure facility.**"

Page 8, line 26, after "adulthood" insert "**services**".

Page 9, line 21, delete "adulthood," and insert "**adulthood services,**".

Page 10, delete lines 37 through 38, begin a new line block indented and insert:

"(5) The provisions made for the purchase of services.

(6) Interagency relations."

Page 12, delete lines 22 through 35.

Page 13, line 9, after "promote" insert ",".

Page 13, line 10, after "to" insert ",".

Page 13, line 28, delete "successful adulthood" and insert "**independent living**".

Page 14, line 8, after "adulthood" insert "**services**".

Page 17, line 41, delete "be" and insert "**be:**

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

(B)".

Page 20, line 11, delete "arrangement or" and insert "**arrangement,**".

Page 20, line 11, strike "the transition of the child from foster care to".

Page 20, line 12, strike "independent living,".

Page 28, line 3, delete "be" and insert "**be:**

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

(B)".

Page 30, line 25, delete "be placed in" and insert "**have**".

Page 30, line 26, delete "arrangement." and insert "**arrangement as the child's permanency plan.**".

Re-number all SECTIONS consecutively.

(Reference is to HB 1434 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1454, 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 1454 as introduced.)

Committee Vote: Yeas 13, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1466, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 22 through 33.

Page 9, delete lines 15 through 26.

Re-number all SECTIONS consecutively.

(Reference is to HB 1466 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1039, 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 1039 as introduced.)

Committee Vote: Yeas 11, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1058, 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 1058 as introduced.)

Committee Vote: Yeas 11, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1110, 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 1110 as introduced.)

Committee Vote: Yeas 10, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1367, 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 1367 as introduced.)

Committee Vote: Yeas 11, Nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1416, 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 1416 as introduced.)

Committee Vote: Yeas 11, Nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1481, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be **amended** as follows:

Page 1, delete lines 1 through 15.

Page 6, line 36, delete "before January 1, 2016,".

Page 7, line 26, after "subdivision" insert "**that participates in the fund under IC 5-10.3-6**".

Page 7, line 27, delete "specifying by departmental," and insert "**that permits an individual who begins employment with the political subdivision and would otherwise be eligible for membership in the fund to elect to become a member of the plan; and**".

Page 7, delete lines 28 through 29.

Page 7, delete lines 33 through 41.

Page 7, line 42, delete "(c)" and insert "(b)".

Page 11, line 5, delete "and before January".

Page 11, line 6, delete "1, 2016,".

Page 15, line 5, delete "and before the".

Page 15, line 6, delete "transition date,".

Page 15, delete lines 14 through 19.

Page 15, line 20, delete "(3)" and insert "(2)".

Page 15, line 20, after "who" insert ":

(A) on or after the date the individual begins employment with.

Page 15, line 20, delete "is employed by".

Page 15, line 23, after "IC 5-10.3-7" delete "." and insert "; **and**

(B) makes the election described in section 20.5 of this chapter to become a member of the plan.".

Page 16, line 4, after "who" insert ";

Page 16, line 4, reset in roman "before the effective date of the plan,".

Page 16, line 6, after "plan" insert ":

Page 16, delete line 7.

Page 16, line 27, reset in roman "has elected".

Page 16, line 28, reset in roman "to participate in the plan."

Page 16, line 28, delete "is not otherwise excluded from".

Page 16, delete lines 29 through 33.

Page 16, line 40, delete "and before the transition date,".

Page 17, line 12, delete "or 1(a)(3)".

Page 17, delete lines 14 through 16.

Page 17, line 17, delete "(c)" and insert "(b)".

Page 17, line 17, delete "1(a)(3)" and insert "**1(a)(2)**".

Page 17, line 18, delete "becomes" and insert "**may elect to become**".

Page 17, line 18, delete "the later of:".

Page 17, line 19, delete "(1)".

Page 17, run in lines 18 through 19.

Page 17, line 21, after "plan" delete "; or" and insert ":

Page 17, delete lines 22 through 25.

Page 17, between lines 25 and 26, begin a new paragraph and

insert:

"(c) An election under this section:

(1) must be made in writing;

(2) must be filed with the board, on a form prescribed by the board; and

(3) is irrevocable.

(d) An individual who does not elect to become a member of the plan becomes a member (as defined in IC 5-10.3-1-5) of the fund."

Page 18, line 6, delete "(a) This section applies to employer".

Page 18, delete lines 7 through 8.

Page 18, line 9, reset in roman "(a)".

Page 18, line 9, delete "(b)".

Page 18, line 11, reset in roman "(b)".

Page 18, line 11, delete "(c)".

Page 18, line 19, reset in roman "(c)".

Page 18, line 19, delete "(d)".

Page 18, line 22, reset in roman "(d)".

Page 18, line 22, delete "(e)".

Page 18, delete lines 25 through 42.

Page 19, delete lines 1 through 12.

Page 20, line 13, reset in roman "(b) An individual who elected under section 20".

Page 20, line 13, after "20" insert "**or 20.5**".

Page 20, line 13, reset in roman "of this chapter to".

Page 20, reset in roman lines 14 through 15.

Page 20, line 16, reset in roman "(c)".

Page 20, line 16, delete "(b)".

Page 20, line 16, delete "; before the transition date,".

Page 20, line 18, reset in roman "(d) An individual who returns to".

Page 20, line 18, reset in roman "employment".

Page 20, line 18, after "employment" insert "**in a position covered by the plan**".

Page 20, line 18, reset in roman "having had an".

Page 20, line 19, reset in roman "opportunity to make an election under section 20".

Page 20, line 19, after "20" insert "**or 20.5**".

Page 20, line 19, reset in roman "of this chapter during".

Page 20, line 20, reset in roman "an earlier period of".

Page 20, line 20, reset in roman "employment is not entitled to a second".

Page 20, line 21, reset in roman "opportunity to make an election under section 20".

Page 20, line 21, after "20" insert "**or 20.5**".

Page 20, line 21, reset in roman "of this chapter."

Page 20, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 25. IC 5-10.4-4-1, AS AMENDED BY P.L.119-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The members of the fund include:

(1) legally qualified and regularly employed teachers in the public schools;

(2) persons employed by a governing body, who were qualified before their election or appointment;

(3) legally qualified and regularly employed teachers at Ball State University, Indiana State University, University of Southern Indiana, and Vincennes University;

(4) legally qualified and regularly employed teachers in a state educational institution whose teachers devote their entire time to teaching;

(5) legally qualified and regularly employed teachers in state benevolent, charitable, or correctional institutions;

(6) legally qualified and regularly employed teachers in an experimental school in a state university who teach elementary or high school students;

(7) as determined by the board, certain instructors serving in a state educational institution extension division not covered by a state retirement law;

(8) employees and officers of the department of education and of the fund who were qualified before their election or appointment;

(9) a person who:

(A) is employed as a nurse appointed under IC 20-34-3-6 by a school corporation located in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400); and

(B) participated in the fund before December 31, 1991, in the position described in clause (A); and

(10) persons who are employed by the fund.

(b) Teachers in any state institution who accept the benefits of a state supported retirement benefit system comparable to the fund's benefits may not come under the fund unless permitted by law or the rules of the board.

(c) The members of the fund do not include substitute teachers who have not obtained an associate degree or a baccalaureate degree.

(d) The members of the fund do not include individuals who participate in the teachers' defined contribution plan under IC 5-10.4-8.

SECTION 26. IC 5-10.4-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 8. Teachers' Defined Contribution Plan

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to an individual who, on or after the effective date of the plan:

(1) is employed in a covered position by a school corporation that participates in the plan; and

(2) would otherwise qualify for membership in the fund under IC 5-10.4-4.

(b) This chapter does not apply to an individual who, before the effective date of the plan, is or was a member (as defined in IC 5-10.4-1-9) of the fund.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Account" means the plan account established for a member under section 7(b) of this chapter.

(2) "Annuity savings account" means the annuity savings account of the 1996 account maintained under IC 5-10.2-2-2(c)(1) and IC 5-10.2-2-2(b)(2).

(3) "Compensation" has the meaning set forth in IC 5-10.2-3-2(a).

(4) "Dies in the line of duty" has the meaning set forth in IC 5-10-11-2.

(5) "Effective date" means the first day of the month that is six (6) months after the month in which the Internal Revenue Service issues an approval of the plan.

(6) "Employer" means a school corporation.

(7) "Employer contribution subaccount" means the subaccount in a member's plan account established under section 7(b)(2) of this chapter.

(8) "Internal Revenue Code" has the meaning set forth in IC 5-10.2-1-3.5.

(9) "Member" means an individual described in section 1(a) of this chapter who is not otherwise excluded from membership in the plan.

(10) "Member contribution subaccount" means the subaccount in a member's plan account established under section 7(b)(1) of this chapter.

(11) "Normal retirement age" for a member means the member is at least sixty-two (62) years of age with at least five (5) years of participation in the plan.

(12) "Plan" refers to the teachers' defined contribution plan established by section 4 of this chapter.

(13) "Years of participation" means all periods of participation in the plan in a covered position, plus any additional service for which this chapter provides

years of participation credit.

Sec. 3. Except as otherwise provided in this chapter or by federal law, and subject to the board obtaining the approval of the Internal Revenue Service as described in section 4(b) of this chapter, the provisions of IC 5-10.4 that apply to the annuity savings account apply to an account established under this chapter.

Sec. 4. (a) The teachers' defined contribution plan is established for the purpose of providing amounts funded by an employer and a member for the use of the member or the member's beneficiaries or survivors after the member's retirement.

(b) The board shall adopt provisions to implement the plan established under subsection (a) as follows:

(1) The board shall initially offer the plan using the annuity savings account, subject to obtaining the approval of the Internal Revenue Service in a manner satisfactory to the board to preserve the qualified status of the plan and the fund. The plan as provided under this subdivision is a component within the fund.

(2) If the approval of the Internal Revenue Service to offer the plan using the annuity savings account cannot be obtained in a manner satisfactory to the board, the board shall offer the plan as a separate fund under Section 401(a) or another applicable section of the Internal Revenue Code.

(c) The board shall administer the plan.

(d) The board may adopt a plan document that it considers appropriate or necessary to administer the plan.

Sec. 5. The board may request from the Internal Revenue Service any rulings or determination letters that the board considers necessary or appropriate in order to implement or administer the plan.

Sec. 6. An individual described in section 1(a) of this chapter who is not otherwise excluded from membership in the plan becomes a member of the plan on the later of:

(1) the date the individual begins the individual's employment in a covered position with an employer that participates in the plan; or

(2) the date the individual's position with the employer that participates in the plan becomes covered by the plan, as specified in the resolution adopted by the employer under IC 5-10.4-9.

Sec. 7. (a) The plan consists of the following:

(1) Each member's contributions to the plan under section 9 of this chapter.

(2) Contributions made by an employer to the plan on behalf of each member under section 10 of this chapter.

(3) Rollovers to the plan by a member under section 15 of this chapter.

(4) All earnings on investments or deposits of the plan.

(5) All contributions or payments to the plan made in the manner provided by the general assembly.

(b) The plan shall establish an account for each member. A member's account consists of two (2) subaccounts credited individually as follows:

(1) The member contribution subaccount consists of:
(A) the member's contributions to the plan under section 9 of this chapter; and

(B) the net earnings on the contributions described in clause (A) as determined under section 8 of this chapter.

(2) The employer contribution subaccount consists of:
(A) the employer's contributions made on behalf of the member to the plan under section 10 of this chapter; and

(B) the earnings on the contributions described in clause (A) as determined under section 8 of this chapter.

The board may combine the two (2) subaccounts established

under this subsection into a single account, if the board determines that a single account is administratively appropriate and permissible under applicable law.

(c) If a member makes rollover contributions under section 15 of this chapter, the plan shall establish a rollover account as a separate subaccount within the member's account.

Sec. 8. (a) Subject to the board obtaining the approval of the Internal Revenue Service as described in section 4(b) of this chapter, the board shall establish the alternative investment programs (as described by IC 5-10.2-2-3 and IC 5-10.2-2-4) within the annuity savings account as the initial alternative investment programs for the plan, except that the board shall maintain at least one (1) alternative investment program that is a stable value fund. If the board considers it necessary or appropriate, the board may establish different or additional alternative investment programs for the plan. However, the guaranteed program (as defined in IC 5-10.2-2-3) shall not be offered as an investment option under the plan.

(b) The requirements and rules that apply to the alternative investment programs within the annuity savings account are the initial requirements and rules that apply to the alternative investment programs within the plan, including the following:

- (1) The board's investment guidelines and limits for the alternative investment programs.
- (2) A member's selection of and changes to the member's investment options.
- (3) The valuation of a member's account.
- (4) The allocation and payment of administrative expenses for the alternative investment programs.

(c) If the board considers it necessary or appropriate, the board may establish different or additional requirements and rules that apply to the alternative investment programs within the plan.

(d) The board shall determine the appropriate administrative fees to be charged to the member accounts.

Sec. 9. (a) Each member's contribution to the plan is equal to three percent (3%) of the member's compensation. The state shall pay the member's contribution on behalf of each member of the plan each year.

(b) To the extent permitted by the Internal Revenue Code and applicable regulations, a member of the plan may make contributions to the plan in addition to the contribution required under subsection (a). IC 5-10.2-3-2(c) and IC 5-10.2-3-2(d) govern additional contributions made under this subsection.

(c) Member contributions must be credited to the member's account as specified in IC 5-10.2-3.

(d) Although designated as employee contributions, the contributions made under subsection (a) are picked up and paid by an employer instead of the contributions being paid by the employee in accordance with Section 414(h)(2) of the Internal Revenue Code. A member may not receive any amounts paid by the state under this section directly instead of having the amounts paid to the plan.

Sec. 10. (a) An employer shall make employer contributions to the plan based on the amount determined under this section.

(b) The employer's contribution amount for the plan for any period equals the sum of:

- (1) the sum of the amounts determined under subsection (c) for members of the plan that were employed during the period by the employer; and
- (2) the employer's share for the period of the amount necessary to amortize the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(c) For each member of the plan, the amount to be credited to the member's account from the employer's

contribution determined under subsection (b) is the lesser of:

- (1) the product of:
 - (A) the sum of the amounts contributed by the member under section 9(a) and 9(b) of this chapter; multiplied by
 - (B) two (2); or
- (2) seven and five-tenths percent (7.5%) of the member's compensation.

(d) Any amount not credited to the member's account shall be applied to the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(e) An employer shall submit the employer contributions determined under this section as provided in IC 5-10.2-2-12.5.

Sec. 11. (a) Member contributions and net earnings on the member contributions in the member contribution subaccount belong to the member at all times and do not belong to the state.

(b) A member is vested in the employer contribution subaccount in accordance with the following schedule:

Years of participation in the plan	Vested percentage of employer contributions and earnings
1	20%
2	40%
3	60%
4	80%
5	100%

For purposes of vesting in the employer contribution subaccount, only a member's full years of participation in the plan may be counted.

(c) The amount that a member may withdraw from the member's account is limited to the vested portion of the account.

(d) A member who attains normal retirement age is fully vested in all amounts in the member's account.

(e) If a member separates from service with an employer before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount that is not vested is forfeited as of the date the member separates from service.

(f) Amounts forfeited under subsection (e) must be used to reduce the employer's unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(g) A member may not earn creditable service (as defined in IC 5-10.2-3-1(a)) under the plan.

Sec. 12. (a) Subject to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who:

- (1) terminates service in a covered position; and
- (2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;

is entitled to withdraw amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) The member may elect to have withdrawals paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board

shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

Sec. 13. (a) If a member dies:

- (1) while in service in a position covered by the plan but not in the line of duty; or
- (2) after terminating service in a position covered by the plan but before withdrawing the member's account;

to the extent that the member is vested, the member's account shall be paid to the beneficiary or beneficiaries designated by the member on a form prescribed by the board. The amount paid shall be valued as provided in IC 5-10.2-2-3 and IC 5-10.2-2-4. The board shall invest the total amount in the member's account in the stable value fund not later than thirty (30) days after receiving notification of a member's death.

(b) If there is no properly designated beneficiary, or if no beneficiary survives the member, the member's account shall be paid to:

- (1) the surviving spouse of the member;
- (2) if there is not a surviving spouse, the surviving dependent or dependents of the member in equal shares; or
- (3) if there is not a surviving spouse or dependent, the member's estate.

(c) The beneficiary or beneficiaries designated under subsection (a) or a survivor determined under subsection (b) may elect to have the member's account paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) a monthly annuity in accordance with rules of the board.

A monthly annuity is an option only on or after the beneficiary or survivor becomes sixty-two (62) years of age. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. Further, the board may establish a minimum account balance or a minimum monthly payment amount that is required in order for a beneficiary or survivor to select the monthly annuity option.

(d) If a member dies in the line of duty while in service in a covered position, the designated beneficiary or beneficiaries or the surviving spouse or dependents, as applicable, are entitled to payment of the member's account as provided in this section. In addition, if the member was not fully vested in the employer contribution subaccount, the account is considered to be fully vested for purposes of withdrawal under this section.

Sec. 14. (a) All assets in the plan are exempt from levy, sale, garnishment, attachment, or other legal process.

(b) A member, beneficiary, or survivor may not assign any payment under this chapter except for the following:

- (1) Premiums on a life, hospitalization, surgical, or medical group insurance plan maintained in part by a state agency.
- (2) Dues to an association that proves to the board's satisfaction that the association has as members at least twenty percent (20%) of the retired members in the plan.

Sec. 15. (a) To the extent permitted by the Internal Revenue Code and the applicable regulations and guidance, the plan may accept, on behalf of any member who is employed in a covered position, a rollover distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(b) Any amounts rolled over under subsection (a) must be accounted for in a rollover account that is separate from the member's account in the plan. The member shall be fully vested in the member's rollover account.

(c) A member may direct the investment of the member's rollover account into any alternative investment option that the board may make available to the member's rollover account under section 8 of this chapter.

(d) A member may withdraw the member's rollover account from the plan in a lump sum or direct a rollover to an eligible retirement plan at any time. Upon attainment of normal retirement age, in addition to these payment options, the member may withdraw the member's rollover account as a monthly annuity as established by the board in accordance with the annuity options that are available for the member's account in the plan. A member must make a required withdrawal from the member's account in the plan not later than the required beginning date under the Internal Revenue Code.

Sec. 16. (a) If a member becomes disabled while in a covered position, subject to any federal law limitations concerning qualified plan distributions and the member furnishing proof of the member's qualification for Social Security disability benefits to the board, to the extent that the member is vested, the member may make a withdrawal from the member's account.

(b) The member may elect to have the withdrawal paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option.

Sec. 17. If a member of the plan separates from employment with the member's employer and later returns to employment in a position covered by the plan:

- (1) the individual resumes membership in the plan; and
- (2) the member is entitled to receive credit for the member's years of participation in the plan before the member's separation. However, any amounts forfeited by the member under section 11(e) of this chapter may not be restored to the member's account.

SECTION 27. IC 5-10.4-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 9. Participation by School Corporations in the Defined Contribution Plan

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Account" has the meaning set forth in IC 5-10.4-8-2.
- (2) "Eligible employee" is an individual that would qualify for membership in the fund under IC 5-10.4-4 if the individual were not employed in a position covered by a resolution adopted under this chapter.
- (3) "Member" has the meaning set forth in

IC 5-10.4-8-2.

(4) "Plan" has the meaning set forth in IC 5-10.4-8-2.

Sec. 2. (a) If:

(1) the governing body of a school corporation adopts a resolution specifying a definable classification of eligible employees who will become members of the plan; and

(2) the resolution is filed with and approved by the board;

the school corporation may become a participant in the plan.

(b) The effective date of participation is the earlier of January 1 or July 1 after the date of approval.

Sec. 3. The governing body may request a preliminary survey, at its expense as determined by the board, to determine the estimated cost of participation. The board and its actuary shall give an estimate of the costs, the benefits, and other appropriate information.

Sec. 4. After a school corporation becomes a participant, its governing body may make appropriations, make payments, and do all things required by IC 5-10.4-8.

Sec. 5. The board shall maintain separate accounts for each contribution rate group. Credits and charges to these accounts shall be made as prescribed in IC 5-10.4-8.

Sec. 6. A school corporation shall make the appropriations and payments required under this article and IC 5-10.2 from its general fund.

Sec. 7. (a) If a school corporation fails to make payments required by this chapter, the amount payable may be:

(1) withheld by the auditor of state from money payable to the school corporation and transferred to the plan; or

(2) recovered in a suit in the circuit or superior court of the county in which the school corporation is located. The suit must be an action by the state on the relation of the board, prosecuted by the attorney general.

(b) If:

(1) service credit is verified for a member who has filed an application for retirement benefits; and

(2) the member's employer at the time the service credit was earned has not made contributions for or on behalf of the member for the service credit;

liability for the unfunded service credit shall be charged against the employer's account and collected by the fund as provided in subsection (a). Processing of a member's application for retirement benefits may not be delayed by an employer's failure to make contributions for the service credit earned by the member while the member was employed by the employer.

Sec. 8. (a) As used in this section, "withdrawing school corporation" means a school corporation that takes an action described in subsection (b).

(b) Subject to the provisions of this section, a school corporation may do the following:

(1) Stop its participation in the plan and withdraw all of the school corporation's employees from participation in the plan.

(2) Withdraw a departmental, an occupational, or other definable classification of employees from participation in the plan.

(3) Stop the school corporation's participation in the plan by:

(A) selling all the school corporation's assets; or

(B) ceasing to exist as a school corporation.

(c) The withdrawal of a school corporation's participation in the plan is effective on a termination date established by the board. The termination date may not occur before all the following have occurred:

(1) The withdrawing school corporation has provided written notice of the following to the board:

(A) The withdrawing school corporation's intent to cease participation.

(B) The names of the withdrawing school corporation's current employees and former employees as of the date on which the notice is provided.

(2) The expiration of:

(A) a ninety (90) day period following the filing of the notice with the board, for a withdrawing school corporation that sells all of the withdrawing school corporation's assets or that ceases to exist as a school corporation; or

(B) a two (2) year period following the filing of the notice with the board, for all other withdrawing school corporations.

(d) A member who is an employee of the school corporation as of the date of the notice under subsection (c) is fully vested in all amounts in the member's account."

Page 24, delete lines 13 through 42.

Delete pages 25 through 29.

Renumber all SECTIONS consecutively.

(Reference is to HB 1481 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 3.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1493, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.2-2-6, AS AMENDED BY P.L.35-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The retirement allowance account of the public employees' retirement fund consists of the retirement fund, exclusive of the annuity savings account. The retirement allowance account also includes any amounts received under ~~IC 5-10.3-12-24(b)~~. **IC 5-10.3-12-24(c) and IC 5-10.3-12-24.5(c)**. For the public employees' retirement fund, separate accounts within the retirement allowance account shall be maintained for contributions made by each contribution rate group.

(b) The retirement allowance account of the pre-1996 account consists of the pre-1996 account, exclusive of the annuity savings account.

(c) The retirement allowance account of the 1996 account consists of the 1996 account, exclusive of the annuity savings account."

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

"SECTION 2. IC 5-10.3-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The general assembly intends that, to the extent specified in this article, the payments to the fund by the state or the ~~participating~~ political subdivisions **that participate in the fund**, the payment of all benefits, the payment of interest credits, and the payment of administration expenses are obligations of the state and the ~~participating~~ political subdivisions **that participate in the fund**. However, this obligation is not a guarantee that the amount credited to a member in the annuity savings account will not vary in value as a result of the performance of the investment program selected by the member under IC 5-10.2-2, unless the member selected the guaranteed program, in which case the obligation is such a guarantee.

SECTION 3. IC 5-10.3-5-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Employer Contributions; Federal Moneys. (a) The state shall make contributions to the retirement allowance account as specified in IC 5-10.2-2. **Participating Political subdivisions that participate in the fund** shall make contributions as specified in chapter 6 of this article.

(b) If members receive compensation from federal funds, the board shall at the end of each fiscal year determine the employer's contribution, excluding administration expenses, to be paid from federal funds. The amount shall be determined by such method adopted by the board as results in an equitable sharing of the employer contribution by the federal government on account of members receiving compensation from federal funds.

SECTION 5. IC 5-10.3-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) **By ordinance or resolution of If:**

(1) the governing body of a political subdivision adopts an ordinance or resolution before January 1, 2016, specifying by departmental, occupational, or other definable classification the employees who will become members of the fund; and

(2) the ordinance or resolution is filed with and approved by the board;

a the political subdivision may become a participant in the fund. if the ordinance or resolution is filed with and approved by the board.

(b) A governing body may include in its ordinance or resolution adopted under subsection (a) a determination of the date from which prior service for its employees will be computed. Creditable service for these employees is determined under IC 5-10.3-7-7.5.

(c) The effective date of participation is the earlier of January 1 or July 1 after the date of approval. However, no retirement benefit may be paid until six (6) months after the effective date of participation.

SECTION 6. IC 5-10.3-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Appropriations and Payments by School Corporations. A school corporation **that participates in the fund** shall make the appropriations and payments required of participating political subdivisions under this article and IC 5-10.2 from its general fund.

SECTION 7. IC 5-10.3-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 6.5. Participation by Political Subdivisions in the Defined Contribution Plan

Sec. 1. The following definitions apply throughout this chapter:

(1) "Account" has the meaning set forth in IC 5-10.3-12-2.

(2) "Member" has the meaning set forth in IC 5-10.3-12-12.

(3) "Plan" has the meaning set forth in IC 5-10.3-12-15.

(4) "Years of participation" has the meaning set forth in IC 5-10.3-12-16.

Sec. 2. (a) If:

(1) the governing body of a political subdivision adopts an ordinance or resolution specifying by departmental, occupational, or other definable classification the employees who will become members of the plan; and

(2) the ordinance or resolution is filed with and approved by the board;

the political subdivision may become a participant in the plan.

(b) A governing body may include in its ordinance or resolution adopted under subsection (a) a determination of the date from which prior service for its employees will be

computed. If a governing body does include in its ordinance or resolution a date from which prior service for its employees will be computed, an employee's years of participation in the plan are increased by the employee's years of service with the political subdivision during the period beginning on the prior service credit date and ending on the effective date of participation.

(c) The effective date of participation is the earlier of January 1 or July 1 after the date of approval.

Sec. 3. (a) This section applies to a third class city or a town.

(b) The clerk-treasurer of a city or town is that city's or town's authorized agent for all matters concerning the plan.

Sec. 4. The governing body may request a preliminary survey, at its expense as determined by the board, to determine the estimated cost of participation. The board and its actuary shall give an estimate of the costs, the benefits, and other appropriate information.

Sec. 5. After a political subdivision becomes a participant, its governing body may make appropriations, make payments, and do all things required by IC 5-10.3-12.

Sec. 6. The board shall maintain separate accounts for each contribution rate group. Credits and charges to these accounts shall be made as prescribed in IC 5-10.3-12.

Sec. 7. If a school corporation participates in the plan, the school corporation shall make the appropriations and payments required under this article and IC 5-10.2 from its general fund.

Sec. 8. (a) If the employer or political subdivision fails to make payments required by this chapter, the amount payable may be:

(1) withheld by the auditor of state from money payable to the employer or subdivision and transferred to the plan; or

(2) recovered in a suit in the circuit or superior court of the county in which the political subdivision is located. The suit shall be an action by the state on the relation of the board, prosecuted by the attorney general.

(b) If:

(1) service credit is verified for a member who has filed an application for retirement benefits; and

(2) the member's employer at the time the service credit was earned has not made contributions for or on behalf of the member for the service credit;

liability for the unfunded service credit shall be charged against the employer's account and collected by the fund as provided in subsection (a). Processing of a member's application for retirement benefits may not be delayed by an employer's failure to make contributions for the service credit earned by the member while the member was employed by the employer.

(c) If the employer or political subdivision fails to file the reports or records required by this chapter or by IC 5-10.3-7-12.5, the auditor of state shall:

(1) withhold the penalty described in IC 5-10.3-7-12.5 from money payable to the employer or the political subdivision; and

(2) transfer the penalty to the fund.

Sec. 9. (a) As used in this section, "withdrawing political subdivision" means a political subdivision that takes an action described in subsection (b).

(b) Subject to the provisions of this section, a political subdivision may do the following:

(1) Stop its participation in the plan and withdraw all of the political subdivision's employees from participation in the plan.

(2) Withdraw a departmental, an occupational, or other definable classification of employees from participation in the plan.

(3) Stop the political subdivision's participation in the

plan by:

- (A) selling all the political subdivision's assets; or
- (B) ceasing to exist as a political subdivision.

(c) The withdrawal of a political subdivision's participation in the plan is effective on a termination date established by the board. The termination date may not occur before all the following have occurred:

(1) The withdrawing political subdivision has provided written notice of the following to the board:

- (A) The withdrawing political subdivision's intent to cease participation.
- (B) The names of the withdrawing political subdivision's current employees and former employees as of the date on which the notice is provided.

(2) The expiration of:

- (A) a ninety (90) day period following the filing of the notice with the board, for a withdrawing political subdivision that sells all of the withdrawing political subdivision's assets or that ceases to exist as a political subdivision; or
- (B) a two (2) year period following the filing of the notice with the board, for all other withdrawing political subdivisions.

(d) A member who is an employee of the political subdivision as of the date of the notice under subsection (c) is fully vested in all amounts in the member's account.

SECTION 8. IC 5-10.3-7-1, AS AMENDED BY P.L.195-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to:

- (1) members of the general assembly; or
- (2) employees covered by section 3 of this chapter.

(b) As used in this section, "employees of the state" includes:

- (1) employees of the judicial circuits whose compensation is paid from state funds;
- (2) elected and appointed state officers;
- (3) prosecuting attorneys and deputy prosecuting attorneys of the judicial circuits, whose compensation is paid in whole or in part from state funds, including participants in the prosecuting attorneys retirement fund established under IC 33-39-7;
- (4) employees in the classified service;
- (5) employees of any state department, institution, board, commission, office, agency, court, or division of state government receiving state appropriations and having the authority to certify payrolls from appropriations or from a trust fund held by the treasurer of state or by any department;
- (6) employees of any state agency that is a body politic and corporate;
- (7) except as provided under IC 5-10.5-7-4, employees of the board of trustees of the Indiana public retirement system;
- (8) persons who:
 - (A) are employed by the state;
 - (B) have been classified as federal employees by the Secretary of Agriculture of the United States; and
 - (C) are excluded from coverage as federal employees by the federal Social Security program under 42 U.S.C. 410;
- (9) the directors and employees of county offices of family and children;
- (10) employees of the center for agricultural science and heritage (the barn); and
- (11) members and employees of the state lottery commission.

(c) An employee of the state or of a participating political subdivision participating in the fund who:

- (1) became a full-time employee of the state or of a

participating political subdivision participating in the fund in a covered position; and

(2) had not become a member of the fund;

before April 1, 1988, shall on April 1, 1988, become a member of the fund unless the employee is excluded from membership under section 2 of this chapter.

(d) Any individual who becomes a full-time employee of the state or of a participating political subdivision participating in the fund in a covered position after March 31, 1988, and before January 1, 2016, becomes a member of the fund on the date the individual's employment begins unless the individual is excluded from membership under section 2 of this chapter.

(e) For the purposes of this section, "employees of the state" includes:

- (1) employees of the judicial circuits whose compensation is paid from state funds;
- (2) elected and appointed state officers;
- (3) prosecuting attorneys and deputy prosecuting attorneys of the judicial circuits, whose compensation is paid in whole or in part from state funds, including participants in the prosecuting attorneys retirement fund established under IC 33-39-7;
- (4) employees in the classified service;
- (5) employees of any state department, institution, board, commission, office, agency, court, or division of state government receiving state appropriations and having the authority to certify payrolls from appropriations or from a trust fund held by the treasurer of state or by any department;
- (6) employees of any state agency which is a body politic and corporate;
- (7) except as provided under IC 5-10.5-7-4, employees of the board of trustees of the Indiana public retirement system;
- (8) persons who:
 - (A) are employed by the state;
 - (B) have been classified as federal employees by the Secretary of Agriculture of the United States; and
 - (C) are excluded from coverage as federal employees by the federal Social Security program under 42 U.S.C. 410;
- (9) the directors and employees of county offices of family and children;
- (10) employees of the center for agricultural science and heritage (the barn); and
- (11) members and employees of the state lottery commission.

SECTION 9. IC 5-10.3-7-2, AS AMENDED BY P.L.195-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The following employees may not be members of the fund:

- (1) Officials of a political subdivision elected by vote of the people, unless the governing body specifically provides for the participation of locally elected officials.
- (2) Employees occupying positions normally requiring performance of service of less than six hundred (600) hours during a year who:
 - (A) were hired before July 1, 1982; or
 - (B) are employed by a participating school corporation participating in the fund.
- (3) Independent contractors or officers or employees paid wholly on a fee basis.
- (4) Employees who occupy positions that are covered by other pension or retirement funds or plans, maintained in whole or in part by appropriations by the state or a political subdivision, except:
 - (A) the federal Social Security program; and
 - (B) the prosecuting attorneys retirement fund established by IC 33-39-7-9.
- (5) Managers or employees of a license branch of the

bureau of motor vehicles commission, except those persons who may be included as members under IC 9-16-4.

(6) Employees, except employees of a ~~participating~~ school corporation **participating in the fund**, hired after June 30, 1982, occupying positions normally requiring performance of service of less than one thousand (1,000) hours during a year.

(7) Persons who:

- (A) are employed by the state;
- (B) have been classified as federal employees by the Secretary of Agriculture of the United States; and
- (C) are covered by the federal Social Security program as federal employees under 42 U.S.C. 410.

SECTION 10. IC 5-10.3-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Members of the general assembly, including members who:

- (1) completed their service before July 1, 1987; and
- (2) were not members of the fund during their service in the general assembly;

are entitled to become, at their option, members of the fund. A member of the general assembly who completed ~~his~~ **the member's** service before July 1, 1987, in order to become a member of the fund must apply to the board for membership and must present evidence satisfactory to the board of ~~his~~ **the member's** prior service. Such a member of the general assembly may become a member without any service after June 30, 1987.

(b) Notwithstanding the exclusion specified in section 2(4) of this chapter, a member of the general assembly who is a member of the Indiana state teachers' retirement fund and who retires after June 30, 1980, may choose at ~~his~~ **the member's** retirement date to become a member of the public employees' retirement fund and to receive ~~his~~ **the member's** retirement benefit from the fund.

(c) An employee who:

- (1) was hired before July 1, 1982; or
- (2) is employed by a ~~participating~~ school corporation **participating in the fund**;

and who is occupying a position normally requiring performance of services of less than one thousand (1,000) hours a year may at ~~his~~ **the employee's** option be a member of the fund.

SECTION 11. IC 5-10.3-8-14, AS AMENDED BY P.L.91-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in subsection ~~(c)~~; **(d)**, this section applies to employees of the state ~~(as defined in IC 5-10.3-7-1(d))~~ who are:

- (1) members of the fund; and
- (2) paid by the auditor of state by salary warrants.

(b) Except as provided in subsection ~~(c)~~; **(d)**, this section does not apply to the employees of the state ~~(as defined in IC 5-10.3-7-1(d))~~ employed by:

- (1) a body corporate and politic of the state created by state statute; or
- (2) a state educational institution (as defined in IC 21-7-13-32).

(c) As used in this section, "employees of the state" has the meaning set forth in IC 5-10.3-7-1.

~~(c)~~ **(d)** The chief executive officer of a body or institution described in subsection (b) may elect to have this section apply to the employees of the state ~~(as defined in IC 5-10.3-7-1(d))~~ employed by the body or institution by submitting a written notice of the election to the director. An election under this subsection is effective on the later of:

- (1) the date the notice of the election is received by the director; or
- (2) July 1, 2013.

~~(d)~~ **(e)** The board shall adopt provisions to establish a retirement medical benefits account within the fund under Section 401(h) or as a separate fund under another applicable

section of the Internal Revenue Code for the purpose of converting unused excess accrued leave to a monetary contribution for an employee of the state to fund on a pretax basis benefits for sickness, accident, hospitalization, and medical expenses for the employee and the spouse and dependents of the employee after the employee's retirement. The state may match all or a portion of an employee's contributions to the retirement medical benefits account established under this section.

~~(e)~~ **(f)** The board is the trustee of the account described in subsection ~~(d)~~; **(e)**. The account must be qualified, as determined by the Internal Revenue Service, as a separate account within the fund whose benefits are subordinate to the retirement benefits provided by the fund.

~~(f)~~ **(g)** The board may adopt rules under IC 5-10.5-4-2 that it considers appropriate or necessary to implement this section after consulting with the state personnel department. The rules adopted by the board under this section must:

(1) be consistent with the federal and state law that applies to:

- (A) the account described in subsection ~~(d)~~; **(e)**; and
- (B) the fund; and

(2) include provisions concerning:

- (A) the type and amount of leave that may be converted to a monetary contribution;
- (B) the conversion formula for valuing any leave that is converted;
- (C) the manner of employee selection of leave conversion; and
- (D) the vesting schedule for any leave that is converted.

~~(g)~~ **(h)** The board may adopt the following:

- (1) Account provisions governing:
 - (A) the investment of amounts in the account; and
 - (B) the accounting for converted leave.
- (2) Any other provisions that are necessary or appropriate for operation of the account.

~~(h)~~ **(i)** The account described in subsection ~~(d)~~ **(e)** may be implemented only if the board has received from the Internal Revenue Service any rulings or determination letters that the board considers necessary or appropriate.

~~(i)~~ **(j)** To the extent allowed by:

- (1) the Internal Revenue Code; and
- (2) rules adopted by:
 - (A) the board under this section; and
 - (B) the state personnel department under IC 5-10-1.1-7.5;

employees of the state may convert unused excess accrued leave to a monetary contribution under this section and under IC 5-10-1.1-7.5.

SECTION 12. IC 5-10.3-12-1, AS AMENDED BY P.L.54-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (c), this chapter applies to **the following**:

(1) An individual who:

- (A) on or after the effective date of the plan ~~(f)~~ and before the transition date**, becomes for the first time a full-time employee of the state: ~~(as defined in IC 5-10.3-7-1(d))~~;

~~(A)~~ **(i)** in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

~~(B)~~ **(ii)** who is paid by the auditor of state by salary warrants; and

~~(B)~~ **(B)** makes the election described in section 20 of this chapter to become a member of the plan.

(2) An individual who becomes a full-time employee of the state (as defined in IC 5-10.3-7-1(d)) on or after the transition date:

- (A) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and**
- (B) who is paid by the auditor of state by salary**

warrants.

(3) An individual who is employed by a political subdivision that participates in the plan in a covered position that would otherwise be eligible for membership in the fund under IC 5-10.3-7.

(b) Except as provided in subsection (c), this chapter does not apply to an individual who, on or after the effective date of the plan:

(1) becomes for the first time a full-time employee of the state ~~(as defined in IC 5-10.3-7-1(d))~~ in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(2) is employed by:

(A) a body corporate and politic of the state created by state statute; or

(B) a state educational institution (as defined in IC 21-7-13-32).

(c) The chief executive officer of a body or institution described in subsection (b) may elect, by submitting a written notice of the election to the director, to have this chapter apply to individuals who, as employees of the body or institution, become for the first time full-time employees of the state ~~(as defined in IC 5-10.3-7-1(d))~~ in positions that would otherwise be eligible for membership in the fund under IC 5-10.3-7. An election under this subsection is effective on the later of:

~~(1) the date the notice of the election is received by the director. or~~

~~(2) March 1, 2013.~~

(d) This chapter does not apply to ~~an individual who:~~ the following:

(1) ~~An individual who before the effective date of the plan,~~ is or was a member (as defined in IC 5-10.3-1-5) of the fund. or

(2) ~~An individual who,~~ on or after the effective date of the plan **and before the transition date:**

(A) except as provided in subsection (c), becomes for the first time a full-time employee of the state: ~~(as defined in IC 5-10.3-7-1(d)):~~

(i) in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7; and

(ii) who is not paid by the auditor of state by salary warrants; or

(B) does not elect to participate in the plan.

SECTION 13. IC 5-10.3-12-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. As used in this chapter, "employees of the state" has the meaning set forth in IC 5-10.3-7-1.**

SECTION 14. IC 5-10.3-12-8, AS ADDED BY P.L.22-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. As used in this chapter, "employer" means the state **or a political subdivision participating in the plan.**

SECTION 15. IC 5-10.3-12-12, AS ADDED BY P.L.22-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. As used in this chapter, "member" means an individual **described in section 1(a) of this chapter** who has elected to participate in the plan: **is not otherwise excluded from membership in the plan.**

SECTION 16. IC 5-10.3-12-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 15.5. As used in this chapter, "transition date" means January 1, 2016.**

SECTION 17. IC 5-10.3-12-20, AS ADDED BY P.L.22-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. **(a) This section applies to an individual described in section 1(a)(1) of this chapter who is otherwise eligible to become a member of the plan.**

~~(a)~~ **(b)** An individual who, on or after the effective date of the plan **and before the transition date,** becomes for the first time a full-time employee of the state ~~(as defined in IC 5-10.3-7-1(d))~~ in a position that would otherwise be eligible for membership in the fund under IC 5-10.3-7 may elect to become a member of the plan. An election under this section:

(1) must be made in writing;

(2) must be filed with the board, on a form prescribed by the board; and

(3) is irrevocable.

~~(b)~~ **(c)** An individual who does not elect to become a member of the plan becomes a member (as defined in IC 5-10.3-1-5) of the fund.

SECTION 18. IC 5-10.3-12-20.5 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 to an individual described in section 1(a)(2) or 1(a)(3) of this chapter who is otherwise eligible to become a member of the plan.**

(b) An individual described in section 1(a)(2) of this chapter becomes a member of the plan on the date the individual's employment begins.

(c) An individual described in section 1(a)(3) of this chapter becomes a member of the plan on the later of:

(1) the date the individual begins the individual's employment in a covered position with a political subdivision that participates in the plan; or

(2) the date the individual's position with the political subdivision that participates in the plan becomes covered by the plan, as specified in the ordinance or resolution adopted by the political subdivision under IC 5-10.3-6.5.

SECTION 19. IC 5-10.3-12-23, AS AMENDED BY P.L.5-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) Each member's contribution to the plan is equal to three percent (3%) of the member's compensation. ~~The state~~ **An employer** shall pay the member's contribution on behalf of each member of the plan each year.

(b) To the extent permitted by the Internal Revenue Code and applicable regulations, a member of the plan may make contributions to the plan in addition to the contribution required under subsection (a). IC 5-10.2-3-2(c) and IC 5-10.2-3-2(d) govern additional contributions made under this subsection.

(c) Member contributions will be credited to the member's account as specified in IC 5-10.2-3.

(d) Although designated as employee contributions, the contributions made under subsection (a) are picked up and paid by ~~the state as the~~ **an employer** in lieu of the contributions being paid by the employee in accordance with section 414(h)(2) of the Internal Revenue Code. A member may not receive any amounts paid by ~~the state~~ **an employer** under this section directly instead of having the amounts paid to the plan.

SECTION 20. IC 5-10.3-12-24, AS ADDED BY P.L.22-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. **(a) This section applies to employer contributions to the plan that are first due before the transition date.**

~~(a)~~ ~~The state~~ **(b) An employer** shall make employer contributions to the plan based on the rate determined under this section.

~~(b)~~ **(c)** The employer's contribution rate for the plan shall be equal to the employer's contribution rate for the fund as determined by the board under IC 5-10.2-2-11(b). The amount credited from the employer's contribution rate to the member's account shall not be greater than the normal cost of the fund. Any amount not credited to the member's account shall be applied to the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(c) ~~The state's~~ (d) **An employer's** minimum contribution under this section is equal to three percent (3%) of the compensation of all members of the plan.

~~(d) The state~~ (e) **An employer** shall submit the employer contributions determined under this section as provided in IC 5-10.2-2-12.5.

SECTION 21. IC 5-10.3-12-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. (a) This section applies to employer contributions to the plan that are first due on or after the transition date.**

(b) An employer shall make employer contributions to the plan based on the amount determined under this section.

(c) The employer's contribution amount for the plan for any period equals the sum of:

- (1) the sum of the amounts determined under subsection (d) for members of the plan that were employed during the period by the employer; and**
- (2) the employer's share for the period of the amount necessary to amortize the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).**

(d) For each member of the plan, the amount to be credited to the member's account from the employer's contribution determined under subsection (c) is the lesser of:

- (1) the product of:**
 - (A) the sum of the amounts contributed by the member under section 23(a) and 23(b) of this chapter; multiplied by**
 - (B) two (2); or**
- (2) seven and five-tenths percent (7.5%) of the member's compensation.**

(e) Any amount not credited to the member's account shall be applied to the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(f) An employer shall submit the employer contributions determined under this section as provided in IC 5-10.2-2-12.5.

SECTION 22. IC 5-10.3-12-25, AS AMENDED BY P.L.6-2012, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) Member contributions and net earnings on the member contributions in the member contribution subaccount belong to the member at all times and do not belong to the state: employer.**

(b) A member is vested in the employer contribution subaccount in accordance with the following schedule:

Years of participation in the plan	Vested percentage of employer contributions and earnings
1	20%
2	40%
3	60%
4	80%
5	100%

For purposes of vesting in the employer contribution subaccount, only a member's full years of participation in the plan may be counted.

(c) The amount that a member may withdraw from the member's account is limited to the vested portion of the account.

(d) A member who attains normal retirement age is fully vested in all amounts in the member's account.

(e) If a member separates from service with the state employer before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount that is not vested is forfeited as of the date the member separates from service.

(f) Amounts forfeited under subsection (e) must be used to reduce the state's employer's unfunded accrued liability of the

fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(g) A member may not earn creditable service (as defined in IC 5-10.2-3-1(a)) under the plan.

SECTION 23. IC 5-10.3-12-31, AS ADDED BY P.L.22-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 31. (a) If a member of the plan separates from employment with the state the member's employer and later returns to state employment in a position covered by the plan:**

- (1) the individual resumes membership in the plan; and**
- (2) the member is entitled to receive credit for the member's years of participation in the plan before the member's separation. However, any amounts forfeited by the member under section 25(e) of this chapter may not be restored to the member's account.**

(b) An individual who elected under section 20 of this chapter to become a member of the plan resumes membership in the plan upon the individual's return to state employment:

(c) (b) An individual who, before the transition date, did not elect to become a member of the plan resumes membership in the fund.

(d) An individual who returns to state employment having had an opportunity to make an election under section 20 of this chapter during an earlier period of state employment is not entitled to a second opportunity to make an election under section 20 of this chapter:

SECTION 24. IC 5-10.4-4-1, AS AMENDED BY P.L.119-2012, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1. (a) The members of the fund include:**

- (1) legally qualified and regularly employed teachers in the public schools;**
- (2) persons employed by a governing body, who were qualified before their election or appointment;**
- (3) legally qualified and regularly employed teachers at Ball State University, Indiana State University, University of Southern Indiana, and Vincennes University;**
- (4) legally qualified and regularly employed teachers in a state educational institution whose teachers devote their entire time to teaching;**
- (5) legally qualified and regularly employed teachers in state benevolent, charitable, or correctional institutions;**
- (6) legally qualified and regularly employed teachers in an experimental school in a state university who teach elementary or high school students;**
- (7) as determined by the board, certain instructors serving in a state educational institution extension division not covered by a state retirement law;**
- (8) employees and officers of the department of education and of the fund who were qualified before their election or appointment;**
- (9) a person who:**
 - (A) is employed as a nurse appointed under IC 20-34-3-6 by a school corporation located in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400); and**
 - (B) participated in the fund before December 31, 1991, in the position described in clause (A); and**
- (10) persons who are employed by the fund.**

(b) Teachers in any state institution who accept the benefits of a state supported retirement benefit system comparable to the fund's benefits may not come under the fund unless permitted by law or the rules of the board.

(c) The members of the fund do not include substitute teachers who have not obtained an associate degree or a baccalaureate degree.

(d) The members of the fund do not include individuals who participate in the teachers' defined contribution plan

under IC 5-10.4-8.

SECTION 25. IC 5-10.4-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 8. Teachers' Defined Contribution Plan

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to an individual who, on or after the effective date of the plan:

- (1) is employed in a covered position by a school corporation that participates in the plan; and
- (2) would otherwise qualify for membership in the fund under IC 5-10.4-4.

(b) This chapter does not apply to an individual who, before the effective date of the plan, is or was a member (as defined in IC 5-10.4-1-9) of the fund.

Sec. 2. The following definitions apply throughout this chapter:

- (1) "Account" means the plan account established for a member under section 7(b) of this chapter.
- (2) "Annuity savings account" means the annuity savings account of the 1996 account maintained under IC 5-10.2-2-2(c)(1) and IC 5-10.2-2-2(b)(2).
- (3) "Compensation" has the meaning set forth in IC 5-10.2-3-2(a).
- (4) "Dies in the line of duty" has the meaning set forth in IC 5-10-11-2.
- (5) "Effective date" means the first day of the month that is six (6) months after the month in which the Internal Revenue Service issues an approval of the plan.
- (6) "Employer" means a school corporation.
- (7) "Employer contribution subaccount" means the subaccount in a member's plan account established under section 7(b)(2) of this chapter.
- (8) "Internal Revenue Code" has the meaning set forth in IC 5-10.2-1-3.5.
- (9) "Member" means an individual described in section 1(a) of this chapter who is not otherwise excluded from membership in the plan.
- (10) "Member contribution subaccount" means the subaccount in a member's plan account established under section 7(b)(1) of this chapter.
- (11) "Normal retirement age" for a member means the member is at least sixty-two (62) years of age with at least five (5) years of participation in the plan.
- (12) "Plan" refers to the teachers' defined contribution plan established by section 4 of this chapter.
- (13) "Years of participation" means all periods of participation in the plan in a covered position, plus any additional service for which this chapter provides years of participation credit.

Sec. 3. Except as otherwise provided in this chapter or by federal law, and subject to the board obtaining the approval of the Internal Revenue Service as described in section 4(b) of this chapter, the provisions of IC 5-10.4 that apply to the annuity savings account apply to an account established under this chapter.

Sec. 4. (a) The teachers' defined contribution plan is established for the purpose of providing amounts funded by an employer and a member for the use of the member or the member's beneficiaries or survivors after the member's retirement.

(b) The board shall adopt provisions to implement the plan established under subsection (a) as follows:

- (1) The board shall initially offer the plan using the annuity savings account, subject to obtaining the approval of the Internal Revenue Service in a manner satisfactory to the board to preserve the qualified status of the plan and the fund. The plan as provided under this subdivision is a component within the fund.
- (2) If the approval of the Internal Revenue Service to

offer the plan using the annuity savings account cannot be obtained in a manner satisfactory to the board, the board shall offer the plan as a separate fund under Section 401(a) or another applicable section of the Internal Revenue Code.

(c) The board shall administer the plan.

(d) The board may adopt a plan document that it considers appropriate or necessary to administer the plan.

Sec. 5. The board may request from the Internal Revenue Service any rulings or determination letters that the board considers necessary or appropriate in order to implement or administer the plan.

Sec. 6. An individual described in section 1(a) of this chapter who is not otherwise excluded from membership in the plan becomes a member of the plan on the later of:

- (1) the date the individual begins the individual's employment in a covered position with an employer that participates in the plan; or
- (2) the date the individual's position with the employer that participates in the plan becomes covered by the plan, as specified in the resolution adopted by the employer under IC 5-10.4-9.

Sec. 7. (a) The plan consists of the following:

- (1) Each member's contributions to the plan under section 9 of this chapter.
- (2) Contributions made by an employer to the plan on behalf of each member under section 10 of this chapter.
- (3) Rollovers to the plan by a member under section 15 of this chapter.
- (4) All earnings on investments or deposits of the plan.
- (5) All contributions or payments to the plan made in the manner provided by the general assembly.

(b) The plan shall establish an account for each member. A member's account consists of two (2) subaccounts credited individually as follows:

- (1) The member contribution subaccount consists of:
 - (A) the member's contributions to the plan under section 9 of this chapter; and
 - (B) the net earnings on the contributions described in clause (A) as determined under section 8 of this chapter.
- (2) The employer contribution subaccount consists of:
 - (A) the employer's contributions made on behalf of the member to the plan under section 10 of this chapter; and
 - (B) the earnings on the contributions described in clause (A) as determined under section 8 of this chapter.

The board may combine the two (2) subaccounts established under this subsection into a single account, if the board determines that a single account is administratively appropriate and permissible under applicable law.

(c) If a member makes rollover contributions under section 15 of this chapter, the plan shall establish a rollover account as a separate subaccount within the member's account.

Sec. 8. (a) Subject to the board obtaining the approval of the Internal Revenue Service as described in section 4(b) of this chapter, the board shall establish the alternative investment programs (as described by IC 5-10.2-2-3 and IC 5-10.2-2-4) within the annuity savings account as the initial alternative investment programs for the plan, except that the board shall maintain at least one (1) alternative investment program that is a stable value fund. If the board considers it necessary or appropriate, the board may establish different or additional alternative investment programs for the plan. However, the guaranteed program (as defined in IC 5-10.2-2-3) shall not be offered as an investment option under the plan.

(b) The requirements and rules that apply to the

alternative investment programs within the annuity savings account are the initial requirements and rules that apply to the alternative investment programs within the plan, including the following:

- (1) The board's investment guidelines and limits for the alternative investment programs.
- (2) A member's selection of and changes to the member's investment options.
- (3) The valuation of a member's account.
- (4) The allocation and payment of administrative expenses for the alternative investment programs.

(c) If the board considers it necessary or appropriate, the board may establish different or additional requirements and rules that apply to the alternative investment programs within the plan.

(d) The board shall determine the appropriate administrative fees to be charged to the member accounts.

Sec. 9. (a) Each member's contribution to the plan is equal to three percent (3%) of the member's compensation. The state shall pay the member's contribution on behalf of each member of the plan each year.

(b) To the extent permitted by the Internal Revenue Code and applicable regulations, a member of the plan may make contributions to the plan in addition to the contribution required under subsection (a). IC 5-10.2-3-2(c) and IC 5-10.2-3-2(d) govern additional contributions made under this subsection.

(c) Member contributions must be credited to the member's account as specified in IC 5-10.2-3.

(d) Although designated as employee contributions, the contributions made under subsection (a) are picked up and paid by an employer instead of the contributions being paid by the employee in accordance with Section 414(h)(2) of the Internal Revenue Code. A member may not receive any amounts paid by the state under this section directly instead of having the amounts paid to the plan.

Sec. 10. (a) An employer shall make employer contributions to the plan based on the amount determined under this section.

(b) The employer's contribution amount for the plan for any period equals the sum of:

- (1) the sum of the amounts determined under subsection (c) for members of the plan that were employed during the period by the employer; and
- (2) the employer's share for the period of the amount necessary to amortize the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(c) For each member of the plan, the amount to be credited to the member's account from the employer's contribution determined under subsection (b) is the lesser of:

- (1) the product of:
 - (A) the sum of the amounts contributed by the member under section 9(a) and 9(b) of this chapter; multiplied by
 - (B) two (2); or
- (2) seven and five-tenths percent (7.5%) of the member's compensation.

(d) Any amount not credited to the member's account shall be applied to the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(e) An employer shall submit the employer contributions determined under this section as provided in IC 5-10.2-2-12.5.

Sec. 11. (a) Member contributions and net earnings on the member contributions in the member contribution subaccount belong to the member at all times and do not belong to the state.

(b) A member is vested in the employer contribution

subaccount in accordance with the following schedule:

Years of participation in the plan	Vested percentage of employer contributions and earnings
1	20%
2	40%
3	60%
4	80%
5	100%

For purposes of vesting in the employer contribution subaccount, only a member's full years of participation in the plan may be counted.

(c) The amount that a member may withdraw from the member's account is limited to the vested portion of the account.

(d) A member who attains normal retirement age is fully vested in all amounts in the member's account.

(e) If a member separates from service with an employer before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount that is not vested is forfeited as of the date the member separates from service.

(f) Amounts forfeited under subsection (e) must be used to reduce the employer's unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4).

(g) A member may not earn creditable service (as defined in IC 5-10.2-3-1(a)) under the plan.

Sec. 12. (a) Subject to the provisions of the Internal Revenue Code applicable to qualified plan distributions, a member who:

- (1) terminates service in a covered position; and
- (2) does not perform any service in a position covered by the fund for at least thirty (30) days after the date on which the member terminates service;

is entitled to withdraw amounts in the member's account to the extent the member is vested in the account. A member must make a required withdrawal from the member's account not later than the required beginning date under the Internal Revenue Code.

(b) The member may elect to have withdrawals paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) if the member has attained normal retirement age, a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. The board shall give members information about these forms of payment and any information required by federal law to accompany such distributions.

(d) Unless otherwise required by federal or state law, the requirements and rules that apply to the distribution of the annuity savings account apply to distributions from a member's account.

Sec. 13. (a) If a member dies:

- (1) while in service in a position covered by the plan but not in the line of duty; or
- (2) after terminating service in a position covered by the plan but before withdrawing the member's account;

to the extent that the member is vested, the member's account shall be paid to the beneficiary or beneficiaries designated by the member on a form prescribed by the board. The amount paid shall be valued as provided in IC 5-10.2-2-3 and IC 5-10.2-2-4. The board shall invest the total amount in the member's account in the stable value

fund not later than thirty (30) days after receiving notification of a member's death.

(b) If there is no properly designated beneficiary, or if no beneficiary survives the member, the member's account shall be paid to:

- (1) the surviving spouse of the member;
- (2) if there is not a surviving spouse, the surviving dependent or dependents of the member in equal shares; or
- (3) if there is not a surviving spouse or dependent, the member's estate.

(c) The beneficiary or beneficiaries designated under subsection (a) or a survivor determined under subsection (b) may elect to have the member's account paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) a monthly annuity in accordance with rules of the board.

A monthly annuity is an option only on or after the beneficiary or survivor becomes sixty-two (62) years of age. The board shall establish the forms of annuity by rule, in consultation with the board's actuary. Further, the board may establish a minimum account balance or a minimum monthly payment amount that is required in order for a beneficiary or survivor to select the monthly annuity option.

(d) If a member dies in the line of duty while in service in a covered position, the designated beneficiary or beneficiaries or the surviving spouse or dependents, as applicable, are entitled to payment of the member's account as provided in this section. In addition, if the member was not fully vested in the employer contribution subaccount, the account is considered to be fully vested for purposes of withdrawal under this section.

Sec. 14. (a) All assets in the plan are exempt from levy, sale, garnishment, attachment, or other legal process.

(b) A member, beneficiary, or survivor may not assign any payment under this chapter except for the following:

- (1) Premiums on a life, hospitalization, surgical, or medical group insurance plan maintained in part by a state agency.
- (2) Dues to an association that proves to the board's satisfaction that the association has as members at least twenty percent (20%) of the retired members in the plan.

Sec. 15. (a) To the extent permitted by the Internal Revenue Code and the applicable regulations and guidance, the plan may accept, on behalf of any member who is employed in a covered position, a rollover distribution from any of the following:

- (1) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (2) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (3) An eligible plan maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.
- (4) An individual retirement account or annuity described in Section 408(a) or 408(b) of the Internal Revenue Code.

(b) Any amounts rolled over under subsection (a) must be accounted for in a rollover account that is separate from the member's account in the plan. The member shall be fully vested in the member's rollover account.

(c) A member may direct the investment of the member's rollover account into any alternative investment option that the board may make available to the member's rollover account under section 8 of this chapter.

(d) A member may withdraw the member's rollover account from the plan in a lump sum or direct a rollover to

an eligible retirement plan at any time. Upon attainment of normal retirement age, in addition to these payment options, the member may withdraw the member's rollover account as a monthly annuity as established by the board in accordance with the annuity options that are available for the member's account in the plan. A member must make a required withdrawal from the member's account in the plan not later than the required beginning date under the Internal Revenue Code.

Sec. 16. (a) If a member becomes disabled while in a covered position, subject to any federal law limitations concerning qualified plan distributions and the member furnishing proof of the member's qualification for Social Security disability benefits to the board, to the extent that the member is vested, the member may make a withdrawal from the member's account.

(b) The member may elect to have the withdrawal paid as:

- (1) a lump sum;
- (2) a direct rollover to another eligible retirement plan; or
- (3) a monthly annuity in accordance with the rules of the board.

(c) The board may establish a minimum account balance or a minimum monthly payment amount in order for a member to select the monthly annuity option.

Sec. 17. If a member of the plan separates from employment with the member's employer and later returns to employment in a position covered by the plan:

- (1) the individual resumes membership in the plan; and
- (2) the member is entitled to receive credit for the member's years of participation in the plan before the member's separation. However, any amounts forfeited by the member under section 11(e) of this chapter may not be restored to the member's account.

SECTION 26. IC 5-10.4-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 9. Participation by School Corporations in the Defined Contribution Plan

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Account" has the meaning set forth in IC 5-10.4-8-2.
- (2) "Eligible employee" is an individual that would qualify for membership in the fund under IC 5-10.4-4 if the individual were not employed in a position covered by a resolution adopted under this chapter.
- (3) "Member" has the meaning set forth in IC 5-10.4-8-2.
- (4) "Plan" has the meaning set forth in IC 5-10.4-8-2.

Sec. 2. (a) If:

- (1) the governing body of a school corporation adopts a resolution specifying a definable classification of eligible employees who will become members of the plan; and
- (2) the resolution is filed with and approved by the board;

the school corporation may become a participant in the plan.

(b) The effective date of participation is the earlier of January 1 or July 1 after the date of approval.

Sec. 3. The governing body may request a preliminary survey, at its expense as determined by the board, to determine the estimated cost of participation. The board and its actuary shall give an estimate of the costs, the benefits, and other appropriate information.

Sec. 4. After a school corporation becomes a participant, its governing body may make appropriations, make payments, and do all things required by IC 5-10.4-8.

Sec. 5. The board shall maintain separate accounts for

each contribution rate group. Credits and charges to these accounts shall be made as prescribed in IC 5-10.4-8.

Sec. 6. A school corporation shall make the appropriations and payments required under this article and IC 5-10.2 from its general fund.

Sec. 7. (a) If a school corporation fails to make payments required by this chapter, the amount payable may be:

- (1) withheld by the auditor of state from money payable to the school corporation and transferred to the plan; or
- (2) recovered in a suit in the circuit or superior court of the county in which the school corporation is located. The suit must be an action by the state on the relation of the board, prosecuted by the attorney general.

(b) If:

- (1) service credit is verified for a member who has filed an application for retirement benefits; and
- (2) the member's employer at the time the service credit was earned has not made contributions for or on behalf of the member for the service credit;

liability for the unfunded service credit shall be charged against the employer's account and collected by the fund as provided in subsection (a). Processing of a member's application for retirement benefits may not be delayed by an employer's failure to make contributions for the service credit earned by the member while the member was employed by the employer.

Sec. 8. (a) As used in this section, "withdrawing school corporation" means a school corporation that takes an action described in subsection (b).

(b) Subject to the provisions of this section, a school corporation may do the following:

- (1) Stop its participation in the plan and withdraw all of the school corporation's employees from participation in the plan.
- (2) Withdraw a departmental, an occupational, or other definable classification of employees from participation in the plan.
- (3) Stop the school corporation's participation in the plan by:

- (A) selling all the school corporation's assets; or
- (B) ceasing to exist as a school corporation.

(c) The withdrawal of a school corporation's participation in the plan is effective on a termination date established by the board. The termination date may not occur before all the following have occurred:

- (1) The withdrawing school corporation has provided written notice of the following to the board:
 - (A) The withdrawing school corporation's intent to cease participation.
 - (B) The names of the withdrawing school corporation's current employees and former employees as of the date on which the notice is provided.
- (2) The expiration of:
 - (A) a ninety (90) day period following the filing of the notice with the board, for a withdrawing school corporation that sells all of the withdrawing school corporation's assets or that ceases to exist as a school corporation; or
 - (B) a two (2) year period following the filing of the notice with the board, for all other withdrawing school corporations.

(d) A member who is an employee of the school corporation as of the date of the notice under subsection (c) is fully vested in all amounts in the member's account."

Page 5, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 30. IC 33-39-7-16, AS AMENDED BY P.L.160-2013, SECTION 5, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) This section does not apply to a participant who becomes permanently disabled, as described in section 17 of this chapter.

(b) A participant who:

- (1) applies for a retirement benefit; and
- (2) is at least:
 - (A) sixty-five (65) years of age; or
 - (B) fifty-five (55) years of age and the participant's age in years plus the participant's years of service is at least eighty-five (85);

is entitled to an annual retirement benefit as calculated in subsection (c).

(c) Except as provided in subsections (d), (e), and (f), the amount of the annual retirement benefit to which a participant described in subsection (b) is entitled equals the product of:

- (1) the highest annual salary that was paid to the participant before separation from service; multiplied by
- (2) the percentage prescribed in the following table:

Participant's Years of Service	Percentage
Less than 8	0
8	24%
9	27%
10	30%
11	33%
12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

If a participant has a partial year of service in addition to at least eight (8) full years of service, an additional percentage is calculated under this subsection by prorating between the applicable percentages, based on the number of months in the partial year of service.

(d) Except as provided in subsections (e) and (f), and section 19(c)(2)(B) of this chapter, a participant who:

- (1) applies for a retirement benefit; and
- (2) is not described in subsection (b);

is entitled to receive a reduced annual retirement benefit that equals the benefit that would be payable if the participant were sixty-five (65) years of age reduced by one-fourth percent (0.25%) for each month that the participant's age at retirement precedes the participant's sixty-fifth birthday.

(e) Except as provided in subsection (f), benefits payable to a participant under this section are reduced by the pension, if any, that would be payable to the participant from the public employees' retirement fund if the participant had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys retirement fund. Benefits payable to a participant under this section are not reduced by annuity payments made to the participant from the public employees' retirement fund.

(f) This subsection applies to a participant who is a member of the public employees' defined contribution (annuity savings account only) plan established by IC 5-10.3-12-18. Benefits payable to a participant under this section are reduced by the pension portion of the retirement benefit, if any, that would be payable to the participant from the public employees' retirement fund if the participant:

- (1) ~~had not made an election under IC 5-10.3-12-20 to become~~ were a member of the public employees' retirement fund instead of the public employees' defined contribution (annuity savings account only) plan; and

(2) had retired from the public employees' retirement fund on the date of the participant's retirement from the prosecuting attorneys retirement fund.

(g) If benefits payable from the public employees' retirement fund exceed the benefits payable from the prosecuting attorneys retirement fund, the participant is entitled at retirement to withdraw from the prosecuting attorneys retirement fund the total sum contributed plus interest at a rate specified by rule by the board.

SECTION 31. IC 33-39-7-18, AS AMENDED BY P.L.160-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Except as provided in subsections (b) and (c), a participant who becomes permanently disabled, as described in section 17 of this chapter, is entitled to an annual benefit equal to the product of:

- (1) the annual salary that was paid to the participant at the time of separation from service; multiplied by
- (2) the percentage prescribed in the following table:

Participant's Years of Service	Percentage
0-12	50%
13	51%
14	52%
15	53%
16	54%
17	55%
18	56%
19	57%
20	58%
21	59%
22 or more	60%

If a participant has a partial year of service in addition to at least ten (10) years of service, an additional percentage is calculated under this subsection by prorating between the applicable percentages, based on the number of months in the partial year of service.

(b) Except as provided in subsection (c), benefits payable to a participant under this section are reduced by the amounts, if any, that are payable to the participant from the public employees' retirement fund.

(c) This subsection applies to a participant who is a member of the public employees' defined contribution (annuity savings account only) plan established by IC 5-10.3-12-18. Benefits payable to a participant under this section are reduced by the pension portion of the retirement benefit, if any, that would be payable to the participant from the public employees' retirement fund if the participant ~~had not made an election under IC 5-10.3-12-20 to become~~ were a member of **the public employees' retirement fund instead of** the public employees' defined contribution (annuity savings account only) plan.

SECTION 32. IC 33-39-7-19, AS AMENDED BY P.L.160-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) A participant may designate the participant's surviving spouse or one (1) or more of the participant's surviving dependent children to receive the benefit provided by this section upon the death of the participant. A participant may designate a trust or a custodian account under IC 30-2-8.5 that is established for one (1) or more of the participant's surviving dependent children to receive the benefit provided by this section instead of designating one (1) or more of the participant's surviving dependent children to receive the benefit directly.

(b) If a participant:

- (1) dies; and
- (2) on the date of death:

- (A) was receiving benefits under this chapter;
- (B) was in service in a position described in section 8 of this chapter and had completed at least eight (8) years of service in a position described in section 8 of this chapter;

(C) had a permanent disability as described in section 17 of this chapter; or

(D) was not in service in a position described in section 8 of this chapter, had completed at least eight (8) years of service in a position described in section 8 of this chapter, and was entitled to a future benefit;

the participant's beneficiary designated under subsection (a) is entitled, regardless of the participant's age, to the benefit prescribed by subsection (c), (e), or (f).

(c) The amount of the annual benefit payable to a beneficiary to whom subsection (b) applies is equal to the greater of:

- (1) twelve thousand dollars (\$12,000); or
- (2) fifty percent (50%) of the amount of retirement benefit:
 - (A) the participant was drawing at the time of death; or
 - (B) to which the participant would have been entitled had the participant retired and begun receiving retirement benefits on the date of death. However, the reduction described in section 16(d) of this chapter does not apply to the calculation of a survivor benefit under this clause.

(d) A benefit payable under this section is subject to the following:

- (1) A surviving spouse designated as the beneficiary under subsection (a) is entitled to receive the benefit for life.
- (2) The total monthly benefit payable to a surviving child or children is equal to the same monthly benefit that was to have been payable to the surviving spouse.
- (3) If there is more than one (1) child designated by the participant, the children are entitled to share the benefit in equal monthly amounts.
- (4) A child entitled to a benefit shall receive that child's share until the child becomes eighteen (18) years of age or during the entire period of the child's physical or mental disability, whichever period is longer.
- (5) Upon the cessation of benefits to one (1) designated child, if there are one (1) or more other children then surviving and still entitled to benefits, the remaining children shall share the benefit equally. If the surviving spouse of the participant is surviving upon the cessation of benefits to all designated children, the surviving spouse shall then receive the benefit for the remainder of the spouse's life.
- (6) The benefit is payable to the participant's surviving spouse if any of the following occur:
 - (A) No child or children named as a beneficiary by the participant survives or survive the participant.
 - (B) No child or children designated by the participant is or are entitled to a benefit due to the age of the child or children at the time of death of the participant.
 - (C) A designation is not made.

(e) Except as provided in subsection (f), benefits payable to a designated beneficiary under this section are reduced by the amount, if any, that is payable to the surviving spouse or the surviving dependent children from the public employees' retirement fund as a result of the participant's death after subtracting the participant's contributions and earnings attributable to the participant's contributions in the participant's annuity savings account.

(f) This subsection applies to a surviving spouse of a participant who is a member of the public employees' defined contribution (annuity savings account only) plan established by IC 5-10.3-12-18. Benefits payable to a surviving spouse of a participant under this section are reduced by the pension portion of the retirement benefit, if any, that would be payable to the spouse from the public employees' retirement fund under the joint and survivor option under IC 5-10.2-4-7, computed at fifty percent (50%) of the participant's decreased retirement benefit, if the participant ~~had not made an election under IC 5-10.3-12-20 to become~~ were a member of **the public employees' retirement fund instead of** the public employees'

defined contribution (annuity savings account only) plan.

SECTION 33. IC 33-39-7-20, AS AMENDED BY P.L.160-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) If:

- (1) a participant's spouse does not survive the participant; and
- (2) the participant did not designate one (1) or more of the participant's surviving dependent children to receive the benefit provided by section 19 of this chapter;

the participant's surviving dependent children are, upon the death of the participant, entitled to a benefit equal to the benefit the participant's spouse would have received under section 19 of this chapter.

(b) If a surviving spouse of a decedent participant dies and a dependent child of the surviving spouse and the decedent participant survives them, that dependent child is entitled to receive a benefit equal to the benefit the spouse was receiving or would have received under section 19 of this chapter.

(c) If there is more than one (1) dependent child, the dependent children are entitled to share the benefit equally.

(d) Each dependent child is entitled to receive that child's share until the child becomes eighteen (18) years of age or during the entire period of the child's physical or mental disability, whichever period is longer.

(e) Except as provided in subsection (f), benefits payable to a dependent child are reduced by the amount, if any, that is payable to the dependent child from the public employees' retirement fund after subtracting the participant's contributions and earnings attributable to the participant's contributions in the participant's annuity savings account.

(f) This subsection applies to a dependent child of a participant who is a member of the public employees' defined contribution (annuity savings account only) plan established by IC 5-10.3-12-18. Benefits payable to a dependent child of a participant under this section are reduced by the actuarial equivalent of the pension portion of the retirement benefit, if any, that would be payable to the spouse (assuming the spouse would have had the same birth date as the participant) from the public employees' retirement fund under the joint and survivor option under IC 5-10.2-4-7, computed at fifty percent (50%) of the participant's decreased retirement benefit, if the participant ~~had not made an election under IC 5-10.3-12-20 to become~~ were a member of the **public employees' retirement fund** instead of the public employees' defined contribution (annuity savings account only) plan."

Delete the amendments contained on page 1, line 1, through page 36, line 35, of this Committee Report.

Renumber all SECTIONS consecutively.

(Reference is to HB 1493 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

GUTWEIN, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 10 were read a first time by title and referred to the respective committees:

HB 1235 — Clere, Brown C, Bacon
Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco and smoking.

HB 1247 — Moed, Hale
Committee on Ways and Means

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

HB 1249 — Moed

Committee on Rules and Legislative Procedures

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

HB 1254 — Clere, Brown C, Brown T, Lehman

Committee on Public Health

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

HB 1278 — Lehman, Austin, Hale

Committee on Roads and Transportation

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

HB 1340 — Lehman, Austin

Committee on Financial Institutions

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

HB 1398 — Soliday

Committee on Ways and Means

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

HB 1450 — Davisson

Committee on Rules and Legislative Procedures

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

HB 1500 — Wesco, Thompson

Committee on Judiciary

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

HB 1537 — Davisson, Arnold L, Macer, Moseley

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

HB 1546 — Lehe, Carbaugh, Negele

Committee on Public Policy

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

HB 1586 — GiaQuinta

Committee on Environmental Affairs

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

HB 1599 — Summers

Committee on Courts and Criminal Code

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

HB 1605 — Smaltz, Hale, Austin

Committee on Commerce, Small Business and Economic Development

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

HB 1610 — McMillin

Committee on Government and Regulatory Reform

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

HB 1611 — McMillin

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

HB 1612 — Summers, McMillin

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning corrections.

HB 1613 — Clere

Committee on Family, Children and Human Affairs

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

HB 1614 — Kirchofer, Clere, Davisson, Brown C

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1615 — Zent

Committee on Veterans Affairs and Public Safety

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

HB 1616 — Clere

Committee on Family, Children and Human Affairs

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

HB 1617 — Sullivan, Heaton

Committee on Natural Resources

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

HB 1618 — Slager, Soliday

Committee on Roads and Transportation

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

HB 1619 — Slager, Soliday

Committee on Ways and Means

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

HB 1620 — Rhoads, Karickhoff

Committee on Ways and Means

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

HB 1621 — Frye R, Thompson

Committee on Roads and Transportation

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

HB 1622 — Smaltz

Committee on Rules and Legislative Procedures

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

HB 1623 — Baird

Committee on Education

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

HB 1624 — Dermody, Eberhart, Austin

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1625 — Wolkins

Committee on Government and Regulatory Reform

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

HB 1626 — Harman, Judy

Committee on Local Government

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

HB 1627 — Morris, Carbaugh, Zent

Committee on Education

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

HB 1628 — Morris, Leonard

Committee on Ways and Means

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

HB 1629 — Morris, Ober

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1630 — Morris

Committee on Veterans Affairs and Public Safety

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

HB 1631 — Morris, Beumer

Committee on Roads and Transportation

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

HB 1632 — Wesco, Thompson

Committee on Judiciary

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

HB 1633 — Nisly

Committee on Public Policy

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

HB 1634 — Mayfield

Committee on Public Policy

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

HB 1635 — Behning, Mayfield

Committee on Education

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

HB 1636 — Behning, Moed

Committee on Education

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

HB 1637 — Behning

Committee on Education

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

HB 1638 — Behning

Committee on Education

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

HB 1639 — Behning

Committee on Education

A BILL FOR AN ACT concerning amend the Indiana Code (Vehicle Bill).

HJR 1 — Dvorak
Committee on Judiciary

HJR 2 — Ubelhor
Committee on Judiciary

HJR 3 — Dvorak
Committee on Judiciary

HOUSE BILLS ON SECOND READING

House Bill 1013

Representative Torr called down House Bill 1013 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1056

Representative Soliday called down House Bill 1056 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1170

Representative Ubelhor called down House Bill 1170 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1170-1)

Mr. Speaker: I move that House Bill 1170 be amended to read as follows:

Page 2, line 36, delete "feeding" and insert "**processing**".
(Reference is to HB 1170 as printed January 20, 2015.)

UBELHOR

Motion prevailed. The bill was ordered engrossed.

House Bill 1188

Representative V. Smith called down House Bill 1188 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1242

Representative Leonard called down House Bill 1242 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1242-1)

Mr. Speaker: I move that House Bill 1242 be amended to read as follows:

Page 2, line 30, strike "mental retardation," and insert "**intellectual disabilities**".

Page 4, line 41, after "disorders," strike "mental".

Page 4, line 42, strike "retardation," and insert "**intellectual disabilities**".

Page 10, line 8, delete "mental retardation," and insert "**intellectual disabilities**".

(Reference is to HB 1242 as printed January 20, 2015.)

LEONARD

Motion prevailed. The bill was ordered engrossed.

House Bill 1438

Representative DeVon called down House Bill 1438 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1478

Representative Kirchhofer called down House Bill 1478 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1478-2)

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2016]".

Page 1, line 4, delete "If" and insert "**Subject to subsection (j), if**".

Page 1, line 8, delete "A" and insert "**Subject to subsection (j), a**".

Page 2, line 1, delete "If" and insert "**Subject to subsection (j), if**".

Page 2, line 7, delete "If" and insert "**Subject to subsection (j), if**".

Page 2, line 19, delete "If" and insert "**Subject to subsection (j), if**".

Page 2, line 29, delete "subject to subsection (i)".

Page 2, line 31, after "consolidation" delete "," and insert ".".

Page 2, line 31, delete " if the firefighter, before the effective date of the".

Page 2, delete lines 32 through 38.

Page 2, line 39, delete "individual passes the work performance evaluation."

Page 3, line 4, delete "If" and insert "**Subject to subsection (j), if**".

Page 3, line 17, delete "If" and insert "**Subject to subsection (j), if**".

Page 4, line 3, delete "The" and insert "**Subject to subsection (j), the**".

Page 4, line 8, delete "The" and insert "**Subject to subsection (j), the**".

Page 8, delete lines 19 through 33.

Page 8, line 34, delete "(j)" and insert "(i)".

Page 8, between lines 39 and 40, begin a new paragraph and insert:

"(j) Notwithstanding any other provision in this section, and in addition to any other requirements under this section, the fire department of a township that has not been consolidated into the fire department of the consolidated city before January 1, 2016, may be consolidated into the fire department of the consolidated city only if the consolidation is approved by the voters of the township in a public question under subsection (k).

(k) A public question shall be placed on the ballot at the November 2016 general election in each township in Marion County in which the fire department of the township has not been consolidated into the fire department of the consolidated city before January 1, 2016. The public question must be as follows:

"Should the fire department of _____ Township be consolidated into the Indianapolis Fire Department?". The public question is considered approved if the majority of the township's voters voting on the public question vote to approve the consolidation."

Page 13, delete line 22.

(Reference is to HB 1478 as printed January 20, 2015.)

PRYOR

Upon request of Representatives Pelath and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 11: yeas 17, nays 74. Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1017

Representative Cherry called down Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code

concerning motor vehicles.

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

Roll Call 12: yeas 91, 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 Crider and Arnold.

Engrossed House Bill 1021

Representative Bacon called down Engrossed House Bill 1021 for third reading:

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

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

Roll Call 13: yeas 91, 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 Becker, Messmer, Ford and Stoops.

Engrossed House Bill 1047

Representative Wolkins called down Engrossed House Bill 1047 for third reading:

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

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

Roll Call 14: yeas 88, nays 3. 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 Yoder.

Engrossed House Bill 1119

Representative Steuerwald called down Engrossed House Bill 1119 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

Roll Call 15: yeas 91, 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 Steele, M. Young and Altling.

OTHER BUSINESS ON THE SPEAKER’S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1039, 1058, 1110, 1367, 1416, 1481 and 1493 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the following reassignments:

House Bill 1184 from the Committee on Courts and Criminal Code to the Committee on Public Health.

House Bill 1195 from the Committee on Public Health to the Committee on Courts and Criminal Code.

House Bill 1196 from the Committee on Family, Children and Human Affairs to the Committee on Judiciary.

House Bill 1358 from the Committee on Ways and Means to the Committee on Judiciary.

House Bill 1509 from the Committee on Rules and Legislative Procedures to the Select Committee on Government Reduction.

HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be added as coauthor of House Bill 1010.

MCMILLIN

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 Representative Goodin be added as coauthor of House Bill 1017.

CHERRY

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 Cherry, Harman and Forestal be added as coauthors of House Bill 1047.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cook be added as coauthor of House Bill 1100.

FRYE R

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Bill 1102.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as coauthor of House Bill 1157.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Macer and Klinker be added as coauthors of House Bill 1159.

JUDY

Motion prevailed.

HOUSE MOTION

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

GIAQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1170.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as coauthor of House Bill 1179.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1185.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as coauthor of House Bill 1203.

ARNOLD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morrison be added as coauthor of House Bill 1212.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh and Hale be added as coauthors of House Bill 1214.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh and Ober be added as coauthors of House Bill 1233.

DELANEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Macer, Lawson and Zent be added as coauthors of House Bill 1242.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Brown, T. be added as coauthor of House Bill 1263.

SMITH M

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1278.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cook be added as coauthor of House Bill 1280.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Miller, D. be added as coauthor of House Bill 1290.

JUDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lucas be added as coauthor of House Bill 1296.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Karickhoff be added as coauthor of House Bill 1298.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morrison and Huston be removed as coauthors and Representative Pierce be added as coauthor of House Bill 1304.

MCMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye, R. be added as coauthor of House Bill 1318.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye, R. be added as coauthor of House Bill 1320.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Bill 1321.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Slager be added as coauthor of House Bill 1398.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smith, M. be added as coauthor of House Bill 1404.

SOLIDAY

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 Representative Dermody be added as coauthor of House Bill 1432.

MAHAN

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 Dermody be added as coauthor of House Bill 1435.

OLTHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Harman be added as coauthor of House Bill 1437.

NISLY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as coauthor of House Bill 1443.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Speedy be added as coauthor of House Bill 1447.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be removed as coauthor of House Bill 1481.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kersey and Morrison be added as coauthors of House Bill 1519.

HEATON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morrison be added as coauthor of House Bill 1521.

HEATON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1534.

HALE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1540.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Truitt be added as coauthor of House Bill 1546.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1564.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Burton and Saunders be added as coauthors of House Bill 1583.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morrison and Huston be added as coauthors of House Bill 1610.

MCMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be added as coauthor of House Bill 1615.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lucas be added as coauthor of House Bill 1630.

MORRIS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Heaton, the House adjourned at 11:55 a.m., this twenty-second day of January, 2015, until Monday, January 26, 2015, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives