



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Nineteenth Day

Monday Afternoon

February 16, 2015

The invocation was offered by Bishop Timothy Doherty of Diocese of Lafayette, a guest of Representative Sheila A. Klinker.

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

The Pledge of Allegiance to the Flag was led by Representative Sheila A. Klinker.

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

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

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 130: 97 present; 3 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 Tuesday, February 17, 2015, at 1:30 p.m.

TORR

The motion was adopted by a constitutional majority.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1046, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning interim study committees.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2015] (a) The legislative council is urged to assign the following topics to an appropriate interim study committee during the 2015 interim:

(1) Whether transactions involving the sale of precious metals bullion or currency should be exempt from the state gross retail tax.

(2) Whether transactions involving the lease or rental of storage for precious metals bullion or currency should be exempt from the state gross retail tax.

(b) This SECTION expires December 31, 2015.

(Reference is to HB 1046 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 4, delete lines 20 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1231 as printed February 6, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1319, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 9, begin a new line block indented and insert:

"(1) the cost to a utility company that acquires utility property from a distressed utility, including the purchase price, incidental expenses, and other costs of acquisition; minus

(2) the difference between:

(A) the cost of the utility property when originally put into service by the distressed utility; minus

(B) contributions or advances in aid of construction plus applicable accrued depreciation."

(Reference is to HB 1319 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1323, 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, after line 27, begin a new paragraph and insert:

"SECTION 2. IC 21-44-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 7. Graduate Medical Education Board and Fund
Sec. 1. The following definitions apply throughout this chapter:

(1) "Board" refers to the graduate medical education board established by section 2 of this chapter.

(2) "Fund" refers to the graduate medical education fund established by section 5 of this chapter.

Sec. 2. The graduate medical education board is established for the following purposes:

(1) To provide funding for residents not funded by the federal Centers for Medicare and Medicaid Services.

(2) To provide technical assistance for entities that wish to establish a residency program, including the following:

(A) Entities that are not licensed hospitals.

(B) Federally qualified health centers.

(3) To provide startup funding for entities that wish to establish a residency program.

Sec. 3. (a) The board is comprised of nine (9) members appointed by the governor as follows:

(1) One (1) member representing the Indiana University School of Medicine.

(2) One (1) member representing the Marian University College of Osteopathic Medicine.

(3) One (1) member representing the Indiana State Medical Association.

(4) One (1) member representing the Indiana Osteopathic Medical Association.

(5) One (1) member representing the Indiana Primary Health Care Association.

(6) One (1) member representing a teaching hospital in the Indiana Hospital Association.

(7) One (1) member representing a nonteaching hospital in the Indiana Hospital Association.

(8) Two (2) members who are medical directors of residency programs.

(b) Except as provided in subsection (c), a member appointed to the board shall serve for a term of two (2) years. Except as provided in subsection (c), the term of a member appointed under subsection (a)(1) through (a)(4) begins on January 1 of an odd-numbered year. The term of a member appointed under subsection (a)(5) through (a)(8) begins on January 1 of an even-numbered year.

(c) This subsection applies to a member appointed under subsection (a)(1) through (a)(4) before January 1, 2016. A member to whom this subsection applies serves for a term of one (1) year beginning January 1, 2016.

(d) The governor shall make appointments to the board at the following times:

(1) The governor shall make the initial appointments to the board before January 1, 2016.

(2) Before the end of each year after 2015, the governor shall appoint members to the board to succeed those members whose terms are scheduled to expire at the end of the year.

(3) When a member resigns or is otherwise unable to complete the member's term, the governor shall appoint a member to serve the remaining term of the member who has resigned or who is otherwise unable to complete the member's term.

Sec. 4. (a) The board members shall designate a chairperson from among themselves. The member designated as the chairperson continues to serve as chairperson until the earliest of:

(1) the first anniversary of the chairperson's designation under this section; or

(2) the date on which the chairperson's term expires.

(b) The board shall meet at the call of the chairperson or at the call of a majority of the appointed members.

Sec. 5. (a) The graduate medical education fund is established within the state treasury. Money in the fund is to be used for the purposes specified in section 2(1) and 2(3) of this chapter.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Grants.

(3) Gifts.

(c) The board shall administer the fund.

(d) The expenses of administering the fund may be paid from the fund.

(e) Money in the fund that is not needed to meet the obligations of the fund may be invested in the manner that other public money is invested. Interest or other investment returns on money in the fund become part of the fund.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1323 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1548, 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 9, strike "In addition to the requirements under IC 25-23.4-5, adopt".

Page 2, line 10, strike "rules under IC 4-22-2 to provide for adequate".

Page 2, line 11, delete "consultation".

Page 2, line 11, strike "between a certified direct entry midwife and a".

Page 2, line 12, delete "consulting".

Page 2, line 12, strike "physician." and insert "**Adopt forms required to be used under this chapter.**".

Page 2, line 23, delete "consulting".

Page 2, line 28, delete "consulting".

Page 2, strike lines 29 through 30.

Page 2, line 31, delete "consult".

Page 2, line 32, strike "(7)" and insert "(6)".

Page 2, line 35, strike "(8)" and insert "(7)".

Page 3, line 11, after "article" insert ";".

Page 3, line 11, delete "either:" and insert "a".

Page 3, delete line 12.

Page 3, line 13, strike "physician".

Page 3, line 13, delete "for the client".

Page 3, line 13, strike "as set forth in this article;".

Page 3, line 13, delete "or".

Page 3, line 14, beginning with "(B)" begin a new line block indented.

Page 3, line 14, delete "(B)" and insert:

"(3)".

Page 3, line 14, after "client" insert "**of the certified direct entry midwife**".

Page 3, line 14, delete "consulting".

Page 3, line 14, delete "." and insert ", **as provided by IC 25-23.4-4-1.**".

Page 3, line 41, strike "be directly supervised by a physician for" and insert "**participate in**".

Page 3, line 42, delete ", assist" and insert "**performed by a physician, assist**".

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

"SECTION 5. IC 25-23.4-4-1, AS ADDED BY P.L.232-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All the following must occur before a certified direct entry midwife may accept a client for midwifery care:

(1) The certified direct entry midwife must provide the potential client with an informed disclosure of practice form.

(2) The potential client must sign and date the form.

(3) The certified direct entry midwife must sign and date the form.

(4) If the potential client refuses a procedure or treatment required by law, the potential client must so indicate on a separate procedure or treatment form.

(5) The certified direct entry midwife must have an emergency plan for the care of the client if an emergency arises. As part of the emergency plan, the client must sign a release of the client's medical records that allows the certified direct entry midwife to provide the client's medical records to a physician if an emergency arises.

(6) Subject to rules adopted under IC 25-23.4-2-6(b)(5), the **client of a** certified direct entry midwife must: **have a collaborative agreement with a physician to provide for consultation and care for the client. The**

(A) have a physician for her pregnancy; and

(B) sign a release of the client's medical records to

allow the certified direct entry midwife to have a copy of the physician's records of the client.

The name, address, and phone number of the physician must be recorded in the informed disclosure of practice form and in the client's medical record.

(7) A physician shall examine the client at least one (1) time during the client's first trimester, **or at the earliest available time after the client's first appointment with the certified direct entry midwife**, and one (1) time during the client's third trimester. ~~The collaborating physician should be located in an area close to where the delivery will occur. However, if the client does not have a physician for her pregnancy at the time of her first appointment with the certified direct entry midwife, the certified direct entry midwife shall do the following:~~

(A) Advise the client to contact a physician within seven (7) days to schedule the client's first prenatal examination by the physician.

(B) Provide the client with a booklet prepared by the state department of health detailing possible consequences of not receiving prenatal examinations by a physician.

(C) Review the booklet provided in clause (B) with the client and then have the client sign and date a form acknowledging that the client has received the booklet and has reviewed the booklet with the certified direct entry midwife.

If the client refuses to receive the prenatal examinations by a physician, the client shall sign and date a separate form stating that the client understands and accepts the possible consequences of not receiving prenatal examinations by a physician.

~~(7)~~ **(8)** The certified direct entry midwife must provide the client with a list of options for additional screening and assessments, including visits to a physician.

~~(8)~~ **(9)** The certified direct entry midwife must maintain medical records on the client through the entire course of care and transfer the medical records to a treating physician if an emergency arises. The medical records must contain all the forms that are required under this subsection.

(b) A certified direct entry midwife may not have a minor as a client unless the minor's parent or guardian has agreed in writing to use the certified direct entry midwife and all other requirements of this article have been met.

(c) After receiving recommendations from the committee, the state department of health shall prepare the booklet required under subsection (a)(7)."

Page 6, delete lines 1 through 8.

Page 6, line 23, delete "consulting".

Page 6, line 38, delete "consulting".

Page 7, line 12, delete "consulting".

Page 7, line 13, after "client" delete "." and insert ", **as provided by IC 25-23.4-4-1.**".

Page 7, line 14, delete "Consultation".

Page 7, line 14, strike "under this chapter does not require the physical presence".

Page 7, strike lines 15 through 16.

Page 7, line 18, delete "consulting".

Page 7, line 23, delete ", " and insert " ".

Page 7, line 23, strike "at least the following percentages of the".

Page 7, strike lines 24 through 30.

Page 7, line 31, delete "consulting".

Page 7, line 33, after "the" delete "consulting".

Page 7, line 33, after "The" delete "consulting".

Page 8, delete lines 12 through 16, begin a new paragraph and insert:

"SECTION 9. IC 25-23.4-5-3 IS REPEALED [EFFECTIVE

JULY 1, 2015]. Sec. 3: The collaborating physician may not have a disciplinary action restriction that limits the physician's ability to collaborate with a certified direct entry midwife."

Page 8, delete lines 21 through 26, begin a new paragraph and insert:

"SECTION 11. IC 25-23.4-5-5 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 5: The requirements for collaboration between a certified direct entry midwife and a collaborating physician under this chapter are subject to rules adopted under IC 25-23.4-2-6(b)(1)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1548 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "(a)" insert "**must be funded by the Indiana sickle cell chronic disease fund and**".

Page 1, line 8, delete "Provide for free" and insert "**Ensure access to**".

Page 1, line 9, after "any" insert "**at risk**".

Page 1, line 10, delete "Provide for free" and insert "**Ensure access to**".

Page 1, line 10, after "any" insert "**at risk**".

Page 2, line 5, delete "Provide" and insert "**Help ensure access to financial**".

Page 2, line 5, after "disease" insert "**who is financially challenged as a result of the disease and**".

Page 2, line 13, after "coverage," insert "**the Indiana check up plan (as amend under IC 12-15-44.2-22),**".

Page 2, line 17, delete "Provide for the development" and insert "**Ensure the implementation**".

Page 2, line 18, delete "and the development" insert "**, including the**".

Page 2, line 19, delete "and".

Page 2, line 23, delete "Provide for the development" and insert "**Ensure implementation**".

Page 2, line 24, delete "and" and insert "**, including**".

Page 3, line 2, after "the" insert "**support or**".

Page 3, line 4, delete "**At least one (1) sickle cell disease**" and insert "**The state department shall seek input from the Indiana Minority Health Coalition in determining the focus in underserved areas. The state department shall ensure that each sickle cell center has the appropriate staffing to provide the services required under this section.**".

Page 3, delete lines 5 through 6.

Page 3, after line 33, begin a new paragraph and insert:

"SECTION 4. IC 16-46-7-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10. (a) The state department shall:**

(1) Conduct a biannual study to determine the prevalence, impact, and needs of sickle cell disease and sickle cell trait within Indiana. The study must be conducted with the assistance of the Indiana Minority Health Coalition, sickle cell patients, physicians who treat sickle cell patients, representatives of clinics that treat sickle cell patients, and representatives of community based social service organizations that serve the sickle cell population in Indiana. The first study must be completed by November 30, 2015, and a report must be submitted to the public health

committee of the Indiana house of representatives and the health and provider services committee of the Indiana senate.

(2) The study in subdivision (1) must determine and document the following:

(A) The prevalence, by location, of sickle cell disease patients within Indiana.

(B) The prevalence, by location, of sickle cell trait carriers within Indiana.

(C) The availability, accessibility and affordability of sickle cell trait screening services within Indiana.

(D) The prevalence, location, and capacity of sickle cell disease treatment centers, clinics, and medical specialists within Indiana.

(E) The prevalence, location, and capacity of community based social service organizations serving sickle cell disease patients and sickle cell trait carriers within Indiana.

(F) The unmet medical and psychosocial needs, if any, that are encountered by sickle cell disease patients within Indiana.

(G) The areas of Indiana, if any, where sickle cell disease patients may be underserved with regard to medical treatment or social service support.

(H) Recommendations for actions required to rectify any identified shortcomings.

(b) After completion of each study under this section, the general assembly may direct the department to implement new changes to the sickle cell program, including the establishment of a network of regional sickle cell centers under section 8.3 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1329 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CLERE, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1004, 1062, 1182, 1192, 1248, 1283, 1298, 1372, 1397 and 1401.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1002

Representative Bosma called down Engrossed House Bill 1002 for third reading:

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

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

Roll Call 131: yeas 97, 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 Long and Lanane.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1028

Representative McNamara called down Engrossed House Bill 1028 for third reading:

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

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

Roll Call 132: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Mishler.

Engrossed House Bill 1102

Representative Koch called down Engrossed House Bill 1102 for third reading:

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

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

Roll Call 133: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Steele.

Engrossed House Bill 1131

Representative Hamm called down Engrossed House Bill 1131 for third reading:

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

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

Roll Call 134: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Raatz.

Engrossed House Bill 1142

Representative Koch called down Engrossed House Bill 1142 for third reading:

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

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

Roll Call 135: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Representative T. Brown, who had been excused, is now present.

Engrossed House Bill 1181

Representative Lehe called down Engrossed House Bill 1181 for third reading:

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

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

Roll Call 136: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Leising and Grooms.

Representative V. Smith is now excused.

Engrossed House Bill 1351

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1351, Representative Wolkins, granted consent to the coauthor, Representative Harman, to call the bill down for third reading. Representative Harman called down Engrossed House Bill 1351 for third reading:

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

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

Roll Call 137: yeas 78, nays 18. 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 Glick.

Engrossed House Bill 1617

Representative Sullivan called down Engrossed House Bill 1617 for third reading:

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

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

Roll Call 138: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Messmer.

Engrossed House Bill 1631

Representative Morris called down Engrossed House Bill 1631 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 139: yeas 82, nays 14. 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 Holdman, Yoder and Kruse.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 12 were read a first time by title and referred to the respective committees:

SB 62—Cox

Committee on Education

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

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:09 p.m. with the Speaker in the Chair

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which

was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete ":".
 Page 1, line 5, delete "(1)".
 Page 1, run in lines 4 through 5.
 Page 1, line 8, delete ";" and insert ".".
 Page 1, delete lines 9 through 13.
 (Reference is to HB 1271 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1349, 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.
 Delete pages 2 through 9.
 Page 10, delete lines 1 through 12.
 Page 13, line 4, after "(22)" insert "(20)".
 Page 13, line 4, reset in roman "Subtract income that is:".
 Page 13, reset in roman lines 5 through 7.
 Page 13, line 18, delete "(20)" and insert "(21)".
 Page 14, line 22, delete "(21)" and insert "(22)".
 Page 16, reset in roman lines 3 through 6.
 Page 16, line 7, reset in roman "(12)".
 Page 16, line 7, delete "(11)".
 Page 17, line 21, delete "(12)" and insert "(13)".
 Page 18, reset in roman lines 23 through 26.
 Page 18, line 27, reset in roman "(10)".
 Page 18, line 27, delete "(9)".
 Page 19, line 30, delete "(10)" and insert "(11)".
 Page 20, line 3, delete "(11)" and insert "(12)".
 Page 21, reset in roman lines 5 through 8.
 Page 21, line 9, reset in roman "(10)".
 Page 21, line 9, delete "(9)".
 Page 22, line 12, delete "(10)" and insert "(11)".
 Page 22, line 27, delete "(11)" and insert "(12)".
 Page 23, reset in roman lines 24 through 27.
 Page 23, line 28, reset in roman "(8)".
 Page 23, line 28, delete "(7)".
 Page 25, line 3, delete "(8)" and insert "(9)".
 Page 28, line 37, reset in roman "Receipts from".
 Page 28, reset in roman lines 38 through 39.
 Page 28, line 40, reset in roman "Indiana under section 2.2 of this chapter."
 Page 29, reset in roman lines 11 through 18.
 Page 29, delete lines 19 through 42.
 Page 30, delete lines 1 through 12.
 Page 33, between lines 31 and 32, begin a new paragraph and insert:

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

(1) "Broadcaster" means a taxpayer that is a television or radio station licensed by the Federal Communications Commission, a television or radio broadcast network, a cable program network, or a television distribution company. The term

"broadcaster" does not include a cable service provider or a direct broadcast satellite system.

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

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

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

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

Page 35, delete lines 10 through 38.

Page 43, delete lines 17 through 42.

Delete page 44.

Page 45, delete lines 1 through 18.

Page 46, delete lines 14 through 42.

Delete pages 47 through 51.

Page 52, delete lines 1 through 20.

Page 53, line 30, delete "." and insert ", except for expenditures that were approved by the Indiana economic development corporation before January 1, 2016."

Page 55, delete lines 13 through 30.

Page 56, line 31, delete "IC 6-3-3-5," and insert "and IC 6-3-3-5".

Page 56, line 32, reset in roman "do".

Page 56, line 32, delete "does".

Page 57, line 12, delete "IC 6-3-3-5," and insert "and IC 6-3-3-5".

Page 57, line 13, reset in roman "do".

Page 57, line 13, delete "does".

Page 59, line 3, delete "IC 6-3-3-5," and insert "and IC 6-3-3-5".

Page 59, line 4, reset in roman "do".

Page 59, line 4, delete "does".

Page 62, reset in roman lines 20 through 23.

Page 63, between lines 36 and 37, begin a new paragraph and insert:

"(e) For purposes of this section, if a taxpayer:

(1) claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code;

(2) made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year;

(3) made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year; or

(4) treated a loss from the sale or exchange of

preferred stock in:

- (A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
- (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 for any taxable year beginning before January 1, 2015;

the taxpayer shall continue to add or subtract the amounts required under this section for the taxable years beginning after December 31, 2014, as provided in this section as in effect on December 31, 2014. However, any amount otherwise allowable as a deduction but not deducted in a taxable year beginning before January 1, 2020, shall be deducted in the taxpayer's first taxable year beginning after December 31, 2019."

Page 73, line 32, delete "IC 6-3-3-5," and insert "and IC 6-3-3-5".

Page 73, line 32, reset in roman "do".

Page 73, line 33, delete "does".

Page 73, delete lines 41 through 42.

Page 74, delete lines 1 through 6.

Page 74, line 9, delete "IC 6-3-2-21.7,".

Page 74, line 9, delete "IC 6-3-3-5, 6-3-3-5.1,".

Page 74, line 10, delete "IC 6-3-3-10,".

Page 74, line 12, delete "IC 6-3-2-8,".

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 6.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1398, 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 1398 as introduced.)

Committee Vote: Yeas 16, Nays 4.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1403, 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:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 1, after "assembly;" insert "and".

Page 2, delete lines 2 through 3.

Page 2, line 4, delete "(3)" and insert "(2)".

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 3. IC 36-7.6-1-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7: "Economic growth region" refers to an economic growth region designated by the department of workforce development.

SECTION 4. IC 36-7.6-1-12, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. "Project" means an airport authority project, a commuter transportation district project, an economic development project, a regional transportation authority project, an intermodal transportation project, or a regional trail or greenway project, or any project

that enhances a region with the goal of attracting people or business."

Page 5, line 3, delete "JULY 1, 2015:]" and insert "UPON PASSAGE]:".

Page 5, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 6. IC 36-7.6-2-1, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Development authorities may be established under this chapter in the economic growth regions of Indiana:

(b) The provisions of section 3 of this chapter govern the establishment of a development authority.

SECTION 7. IC 36-7.6-2-2, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A development authority established under this chapter is a separate body corporate and politic that shall carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article; and

(2) funding and developing:

(A) airport authority projects;

(B) commuter transportation district and other rail projects and services;

(C) regional transportation authority projects and services;

(D) economic development projects;

(E) intermodal transportation projects; and

(F) regional trail or greenway projects; and

(G) any project that enhances the region with the goal of attracting people or business;

that are of regional importance.

SECTION 8. IC 36-7.6-2-3, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Subject to the provisions of this article, regional development authorities may be established under subsection (b); (c); or (d):

(b) (a) A development authority may be established by two (2) or more counties that are located in the same economic growth region: any of the following:

(1) One (1) or more counties and one (1) or more adjacent counties.

(2) One (1) or more counties and one (1) or more qualified cities in adjacent counties.

(3) One (1) or more qualified cities and one (1) or more qualified cities in adjacent counties.

(c) A development authority may be established by:

(1) two (2) or more counties that are located in the same economic growth region; and

(2) one (1) or more counties that:

(A) are not located in the same economic growth region as the counties described in subdivision (1); and

(B) are adjacent to the economic growth region containing the counties described in subdivision (1);

(d) A development authority may be established by:

(1) one (1) or more counties; and

(2) one (1) or more second class cities that:

(A) are not located in the county or counties described in subdivision (1); and

(B) are located in the same economic growth region as the county or counties described in subdivision (1);

(e) (b) A county or second class qualified city may participate in the establishment of a development authority under this section and become a member of the development authority only if the fiscal body of the county or second class qualified city adopts an ordinance authorizing the county or second class qualified city to participate in the establishment of

the development authority.

(f) A county may be a member of a development authority only if the county is contiguous to at least one (1) other county that is a member of the development authority. A second class city may be a member of a development authority only if the county in which the second class city is located is contiguous to at least one (1) other county that is a member of the development authority.

(g) Notwithstanding any other provision, if (c) When a county becomes a member of establishes a development authority with another unit as provided in this chapter, each municipality qualified city and third class city in the county also becomes a member of the development authority, without further action by the qualified city, third class city, or the development authority.

(h) Not more than two (2) development authorities may be established in a particular economic growth region. For purposes of this subsection, a development authority is considered to be established in a particular economic growth region if a county or municipality located in the economic growth region is a member of a development authority.

(i) (d) Notwithstanding any other provision of this article, a county or municipality may be a member of only one (1) development authority.

(j) (e) Notwithstanding any other provision of this article, a county or municipality that is a member of the northwest Indiana regional development authority under IC 36-7.5 may not be a member of a development authority under this article.

(f) A development authority shall notify the Indiana economic development corporation in writing promptly after the development authority is established.

SECTION 9. IC 36-7.6-2-4, AS AMENDED BY P.L.3-2008, SECTION 265, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A county or second class city that:

- (1) is not a member of a development authority; and
- (2) was eligible to participate in the establishment of a particular development authority established under this article; is adjacent to a county that:

- (A) is a member of the development authority; or
- (B) contains a member of the development authority;

may join that development authority under this section: article.

(b) A qualified city or a third class city that:

- (1) is not a member of a development authority; and
- (2) is located in a county that:
 - (A) is a member of a development authority;
 - (B) is adjacent to a county that is a member of a development authority; or
 - (C) is adjacent to a county containing a member of a development authority;

may join that development authority under this article.

(c) A town that:

- (1) is not a member of a development authority; and
- (2) is located in a county that:
 - (A) is a member of a development authority;
 - (B) is adjacent to a county that is a member of a development authority; or
 - (C) is adjacent to a county containing a member of a development authority;

may join that development authority under this article.

(b) (d) A county or second class qualified city described in subsection (a), (b), or (c) may join a development authority under this section article only if:

- (1) the fiscal body of the county, or second qualified city, third class city, or town adopts an ordinance authorizing the county, or second qualified city, third class city, or town to become a member of the development authority; and
- (2) after the fiscal body adopts an ordinance under

subdivision (1); the development board of the development authority adopts a resolution authorizing the county, or second qualified city, third class city, or town to become a member of the development authority.

(c) (e) A county, or second qualified city, third class city, or town becomes a member of a development authority on January 1 of the year following the year in which the development board adopts upon passage of a resolution under subsection (b)(2) (d)(2) authorizing the county, or second qualified city, third class city, or town to become a member of the development authority.

(d) The executive of a county or second class city that becomes a member of a development authority under this section is entitled to appoint a member to the development board under section 7 of this chapter.

(e) A county or second class city may not join a development authority under this section if joining the development authority would violate the requirement in section 3(h) of this chapter that not more than two (2) development authorities may be established in a particular economic growth region.

(f) Notwithstanding subsection (c), if a county joins a development authority under this section, each municipality qualified city and third class city in the county also becomes a member of the development authority, without further action by the qualified city, third class city, or the development authority.

(g) A development authority shall notify the Indiana economic development corporation promptly in writing when a new member joins the development authority.

SECTION 10. IC 36-7.6-2-5, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to the following:

(1) A county that participates in the establishment of a development authority under section 3 of this chapter or that joins a development authority under section 4 of this chapter:

(2) A second class city that participates in the establishment of a development authority under section 3(d) of this chapter or that joins a development authority under section 4 of this chapter:

a county, qualified city, third class city, or town authorized to establish or join a development authority under this article.

(b) A county, or second qualified city, third class city, or town described in subsection (a) shall be a member of the development authority for five (5) at least eight (8) years after the date the county, or second qualified city, third class city, or town becomes a member of the development authority.

(c) At least twelve (12) months and not more than eighteen (18) months before the end of a five (5) year county's, qualified city's, third class city's, or town's membership period under subsection (b) or this subsection, the fiscal body of the county, or second qualified city, third class city, or town described in subsection (a) must adopt a resolution an ordinance that:

- (1) commits the county, or second qualified city, third class city, or town to an additional five (5) eight (8) years as a member of the development authority, beginning at the end of the current five (5) year membership period; or
- (2) withdraws the county, or second qualified city, third class city, or town from membership in the development authority not earlier than the end of the current five (5) year membership period.

(d) The fiscal body of a county or second class city described in subsection (a) must adopt a resolution under subsection (c) during each five (5) year period in which the county or second class city is a member of the development authority:

(e) (d) A county, or second qualified city, third class city, or town described in subsection (a) may withdraw from a

development authority as provided in this section without the approval of the development board. **However, the withdrawal of a county does not affect the membership of a qualified city or third class city that became a member of the development authority as a result of the county's membership.**

(f) (e) If at the end of a five (5) year county's membership period a county described in subsection (a) does not withdraw from the development authority under this section and remains a member of the development authority, the **municipalities qualified cities and third class cities** in the county may not withdraw from the development authority and remain members of the development authority.

(g) If at the end of a five (5) year period a county described in subsection (a) withdraws from the development authority under this section, the municipalities in the county are also withdrawn from the development authority on the effective date of the county's withdrawal.

(f) **A development authority shall notify the Indiana economic development corporation promptly in writing when a member withdraws from the development authority.**

SECTION 11. IC 36-7.6-2-6, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A county or municipality that withdraws from a development authority under section 5 of this chapter is liable to the development authority for any unpaid transfers under:

(1) IC 36-7.6-4-2; or

(2) **an agreement between the members of the development authority and the development board;**

that become due before the withdrawal of the county or municipality from the development authority is effective.

SECTION 12. IC 36-7.6-2-7, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A development authority is governed by a development board appointed under this section.

(b) A development board is composed of the following five (5) members

(1) ~~One (1) member appointed by the executive of each county that is a member of the development authority.~~

(2) ~~One (1) member appointed by the executive of each second class city that is a member of the development authority.~~

(3) ~~If the development authority receives or will receive an appropriation, a grant, or a distribution of money from the state, one (1) or more members appointed by the governor under section 8 of this chapter, if approved by the development board:~~

written agreement of the executives of the members of the development authority.

(c) A member appointed to the development board:

(1) **may not be an elected official or an employee of a member county or municipality; and**

(2) must have knowledge of and at least five (5) years professional work experience in at least one (1) of the following:

(1) ~~(A) Rail transportation or air Transportation.~~

(2) ~~(B) Regional economic development.~~

(3) ~~(C) Business or finance.~~

(D) Private, nonprofit sector, or academia.

SECTION 13. IC 36-7.6-2-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 8. (a) ~~If a development authority receives or will receive an appropriation, a grant, or a distribution of money from the state, the development board may adopt a resolution to add to the development board one (1) or more members appointed by the governor:~~

(b) ~~If a development board adopts a resolution under this section, the governor shall appoint to the development board the number of members specified in the resolution.~~

(c) ~~A member appointed by the governor under this section must meet the knowledge and professional work experience requirements of section 7(c) of this chapter.~~

(d) ~~If the governor appoints a member to a development board under this section, the governor retains the authority to appoint a member to the development board regardless of whether the state continues to appropriate, grant, or distribute money to the development authority.~~

SECTION 14. IC 36-7.6-2-9, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A member appointed to a development board serves a four (4) year term. ~~However, a member serves at the pleasure of the appointing authority. A member may be reappointed to subsequent terms.~~

(b) A member of a development board may only be removed from the development board before the expiration of the four (4) year term by written agreement of at least three-fourths (3/4) of the executives of the members of the development authority.

(b) (c) ~~If a vacancy occurs on a development board, the appointing executives of the members of the development authority that made the initial appointment at the time of the vacancy shall fill the vacancy by appointing a new member for the remainder of the vacated term and as otherwise provided in subsection (a).~~

(c) (d) ~~Each member appointed to a development board, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the development board.~~

(d) (e) ~~A member appointed to a development board is not entitled to receive any compensation for performance of the member's duties. However, a member is entitled to a per diem from the development authority for the member's participation in development board meetings. The amount of the per diem is equal to the amount of the per diem provided under IC 4-10-11-2.1(b).~~

SECTION 15. IC 36-7.6-2-12, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. A development board ~~may shall~~ adopt the bylaws and rules that the development board considers necessary for the proper conduct of the development board's duties and the safeguarding of the development authority's funds and property.

SECTION 16. IC 36-7.6-3-4, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A development authority shall before April 1 of each year issue a report to the legislative council, the budget committee, ~~and the governor~~ **Indiana economic development council, and the executive of each member of the development authority** concerning the operations and activities of the development authority during the preceding calendar year. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 17. IC 36-7.6-3-5, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A development authority shall prepare a comprehensive strategic development plan that includes detailed information concerning the following:

(1) The proposed projects to be undertaken or financed by the development authority.

(2) The following information for each project included under subdivision (1):

(A) Timeline and budget.

(B) The return on investment.

(C) The projected or expected need for an ongoing subsidy.

(D) Any projected or expected federal matching funds.

(b) The development authority shall, not later than January 1

of the second year following the year in which the development authority is established, submit the comprehensive strategic development plan for review by the budget committee and approval by the director of the office of management and budget **and the Indiana economic development corporation. However, a development authority that has already submitted its comprehensive strategic development plan as part of an application for a grant or a loan under IC 5-28-37 is not required to resubmit its comprehensive strategic development plan under this subsection.**

SECTION 18. IC 36-7.6-4-1, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A development board shall establish and administer a development authority fund.

(b) A development authority fund consists of the following:

(1) Amounts transferred under section 2 of this chapter by each county and municipality that is a member of the development authority.

(2) Amounts transferred to the fund by each county or municipality that is a member of the development authority, including any payments required under an interlocal agreement entered into under section 3(h) of this chapter. The transfers allowed by this subdivision may be made from any local revenue of the county or municipality, including property tax revenue, distributions, incentive payments, money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16, or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations.

~~(2)~~ (3) Appropriations, grants, or other distributions made to the fund by the state.

~~(3)~~ (4) Money received from the federal government.

~~(4)~~ (5) Gifts, contributions, donations, and private grants made to the fund.

(c) On the date a development authority issues bonds for any purpose under this article, which are secured in whole or in part by the development authority fund, the development board shall establish and administer two (2) accounts within the development authority fund. The accounts must be the general account and the lease rental account. After the accounts are established, all money transferred to the development authority fund under subsection (b)(1) shall be deposited in the lease rental account and used only for the payment of or to secure the payment of obligations of an eligible political subdivision under a lease entered into by the eligible political subdivision and the development authority under this chapter. However, any money deposited in the lease rental account and not used for the purposes of this subsection shall be returned by the secretary-treasurer of the development authority to the unit that contributed the money to the development authority.

(d) Notwithstanding subsection (c), if the amount of all money transferred to a development authority fund under subsection (b)(1) for deposit in the lease rental account in any one (1) calendar year is greater than an amount equal to the product of:

(1) one and twenty-five hundredths (1.25); multiplied by
(2) the total of the highest annual debt service on any bonds then outstanding to their final maturity date, which have been issued under this article and are not secured by a lease, plus the highest annual lease payments on any leases to their final maturity, which are then in effect under this article;

then all or a part of the excess may instead be deposited in the general account.

(e) All other money and revenue of a development authority may be deposited in the general account or the lease rental account at the discretion of the development board. Money on deposit in the lease rental account may be used only to make

rental payments on leases entered into by the development authority under this article. Money on deposit in the general account may be used for any purpose authorized by this article.

(f) A development authority fund shall be administered by the development authority that established the development authority fund.

(g) Money in a development authority fund shall be used by the development authority to carry out this article and does not revert to any other fund.

SECTION 19. IC 36-7.6-4-2, AS AMENDED BY P.L.172-2011, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This section applies only to a development authority and its member counties and municipalities to the extent necessary to make required payments and maintain a required reserve for debt obligations or leases that were issued or entered into by the development authority before July 1, 2015.**

~~(a)~~ **(b)** Beginning January 1 of the year following the year in which a development authority is established, the fiscal officer of each county and each municipality that is a member of the development authority shall transfer the amount determined under subsection ~~(b)~~ **(c)** to the development authority for deposit in the development authority fund.

~~(b)~~ **(c)** The amount of the transfer required each year by subsection ~~(a)~~ **(b)** from each county and each municipality is equal to the following:

(1) Except as provided in subdivision (2), the amount that would be distributed to the county or the municipality as certified distributions of county economic development income tax revenue raised from a county economic development income tax rate of five-hundredths of one percent (0.05%) in the county.

(2) In the case of a county or municipality that becomes a member of a development authority after June 30, 2011, and before July 1, 2013, the amount that would be distributed to the county or municipality as certified distributions of county economic development income tax revenue raised from a county economic development income tax rate of twenty-five thousandths of one percent (0.025%) in the county.

~~(c)~~ **(d)** Notwithstanding subsection ~~(b)~~ **(c)**, if the additional county economic development income tax under IC 6-3.5-7-28 is in effect in a county, the obligations of the county and each municipality in the county under this section are satisfied by the transfer to the development fund of all county economic development income tax revenue derived from the additional tax and deposited in the county regional development authority fund.

~~(d)~~ **(e)** The following apply to the transfers required by this section:

(1) The transfers shall be made without appropriation by the fiscal body of the county or the fiscal body of the municipality.

(2) Except as provided in subdivision (3), the fiscal officer of each county and each municipality that is a member of the development authority shall transfer twenty-five percent (25%) of the total transfers due for the year before the last business day of January, April, July, and October of each year.

(3) County economic development income tax revenue derived from the additional county economic development income tax under IC 6-3.5-7-28 must be transferred to the development fund not more than thirty (30) days after being deposited in the county regional development fund.

(4) This subdivision does not apply to a county in which the additional county economic development income tax under IC 6-3.5-7-28 has been imposed or to any municipality in the county. The transfers required by this section may be made from any local revenue (other than property tax revenue) of the county or municipality,

including excise tax revenue, income tax revenue, local option tax revenue, riverboat tax revenue, distributions, incentive payments, or money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16.

SECTION 20. IC 36-7.6-4-3, AS ADDED BY P.L.232-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Subject to subsection (h), a development authority may issue bonds for the purpose of obtaining money to pay the cost of:

- (1) acquiring real or personal property, including existing capital improvements;
 - (2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects; or
 - (3) funding or refunding bonds issued under this chapter, IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law.
- (b) The bonds are payable solely from:
- (1) the lease rentals from the lease of the projects for which the bonds were issued, insurance proceeds, and any other funds pledged or available; and
 - (2) except as otherwise provided by law, revenue received by the development authority and amounts deposited in the development authority fund.
- (c) The bonds must be authorized by a resolution of the development board of the development authority that issues the bonds.
- (d) The terms and form of the bonds must either be set out in the resolution or in a form of trust indenture approved by the resolution.
- (e) The bonds must mature within forty (40) years.
- (f) A development board shall sell the bonds only to the Indiana bond bank established by IC 5-1.5-2-1 upon the terms determined by the development board and the Indiana bond bank.

(g) All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

- (1) planning and development of equipment or a facility and all buildings, facilities, structures, equipment, and improvements related to the facility;
- (2) acquisition of a site and clearing and preparing the site for construction;
- (3) equipment, facilities, structures, and improvements that are necessary or desirable to make the project suitable for use and operations;
- (4) architectural, engineering, consultant, and attorney's fees;
- (5) incidental expenses in connection with the issuance and sale of bonds;
- (6) reserves for principal and interest;
- (7) interest during construction;
- (8) financial advisory fees;
- (9) insurance during construction;
- (10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and
- (11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on the bonds being refunded or refinanced.

(h) A development authority may not issue bonds under this article **or otherwise finance debt** unless:

- (1) the development authority ~~first~~ **enters into an interlocal agreement with each member that is committing funds to a project to be supported by the bonds;**
- (2) **the fiscal body of each member that is committing funds to the project to be supported by the bonds**

approves the agreement described in subdivision (1) by ordinance; and

(3) the development authority finds that each contract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage required by IC 5-16-7.

SECTION 21. IC 36-7.6-4-16, AS AMENDED BY P.L.146-2008, SECTION 775, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This section applies if **the county or municipality fails to make a transfer or part of a transfer required by:**

- (1) ~~a county or municipality that is a member of a development authority fails to make a transfer or a part of a transfer required by section 2 of this chapter; and or~~
 - (2) ~~the development authority has an interlocal agreement executed under section 3(h) of this chapter that is required to satisfy the county's or municipality's obligation to contribute to the satisfaction of outstanding bonds or other debt or lease obligations outstanding; of the development authority.~~
- (b) The treasurer of state shall do the following:
- (1) Withhold an amount equal to the amount of the transfer or part of the transfer under section 2 of this chapter that the county or municipality failed to make from money in the possession of the state that would otherwise be available for distribution to the county or municipality under any other law.
 - (2) Pay the amount withheld under subdivision (1) to the development authority **to satisfy the county's or municipality's obligations to the development authority.**

SECTION 22. **An emergency is declared for this act."**

Delete pages 6 through 12.

Page 13, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1403 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 4.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1485, 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:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE JANUARY 1, 2017]".

Replace the effective dates in SECTIONS 5 through 6 with "[EFFECTIVE JULY 1, 2015]".

Page 2, line 1, delete "2015," and insert "2016,".

Page 2, delete lines 2 through 36 and insert **"uniform law that transitions each county from the former taxes to the tax governed by this article without any change in purpose of the former taxes to the extent practicable. The intent is that the revenue from the taxes under this article shall be distributed and used as close as possible to the way the revenue was distributed and used under the former taxes until a county adopts an ordinance under this article to change the distribution and use of the revenue as permitted by this article.**

(b) **The general assembly declares that the enactment of IC 6-3.6 is a simplification, recodification, and replacement, in the same or a restated form, of the procedures established for the imposition, collection, and distribution of the income taxes authorized under a former tax. The substantive**

operation and effect of the provisions of a former tax that are repealed and replaced, in the same or a restated form, by the provisions of this article, continue uninterrupted.

(c) Notwithstanding the effective date of the repeal of the former tax laws on January 1, 2017, an adopting body may not adopt any ordinances under a former tax after June 30, 2015. In addition, notwithstanding the effective date of this article being July 1, 2015, an adopting body may not take any action under this article before July 1, 2016.

(d) To carry out the transition, the office of management and budget, along with the appropriate state agencies and in cooperation with each county, shall do the following:

(1) Document all terms, conditions, limitations, and obligations that exist under the former taxes.

(2) Categorize the tax rate under the former taxes into the appropriate tax rate or rates under this article to provide revenue for all the same purposes for which revenue under a former tax was used in 2016. The revenue shall be apportioned, allocated, and distributed to taxing units, to the extent possible, in the same amounts, and be applied to those taxpayers in each property class that received any form of property tax relief in 2016 so that the benefits are received by the same property classes in the same proportionate amounts as in 2016. Matching the purposes of a former tax to the purposes under this article, including the apportionment, allocation, and distribution of revenue under this article shall be accomplished by using the best information available. These purposes include, but are not limited to, one (1) or more of the following:

(A) Property tax credits using the options set forth in IC 6-3.6-5, which categorization is to encompass all uses of the revenue under a former tax that provided any form of property tax relief, except for revenue used for a levy freeze described in IC 6-3.6-11, including the following purposes:

(i) Property tax replacement credits that applied to all classes of property, including part of the revenue categorized from the first twenty-five hundredths percent (0.25%) rate under the county adjusted gross income tax under IC 6-3.5-1.1 (repealed) for civil taxing units and school corporations using the attributed allocation amounts for civil taxing units and school corporations as those determinations were made under IC 6-3.5-1.1 (repealed).

(ii) Credits against property taxes that did not apply to all classes of property, such as homestead credits, credits on other types of residential property, or credits used to offset the exemption of inventory from property taxation.

(B) Special purpose revenue that is not covered by a special purpose rate under IC 6-3.6-7, such as revenue that must be dedicated to public safety or economic development.

(C) Certified shares without any restriction on the use of the revenue.

(D) A special purpose project (IC 6-3.6-7) using the former tax rate that was dedicated to the project.

(e) The department of local government finance shall, if necessary, recalculate maximum permissible property tax levies and property tax rates for all taxing units to transition to the use of property tax credits as prescribed in this article.

(f) The office of management and budget shall compile a comprehensive report detailing for each taxing unit throughout the state and for each property class type described in IC 6-3.5-6, the categorization of revenue and its uses under this article compared to the former taxes. Before November 1, 2015, the department shall submit its report to the legislative council in an electronic format under

IC 5-14-6.

(g) The transition under this article shall be completed by August 1, 2016, for purposes of local government budgets for 2017."

Page 3, line 2, delete "2015." and insert "2016."

Page 3, line 11, delete "2015," and insert "2016,".

Page 3, line 12, delete "2015," and insert "2016,".

Page 3, line 14, delete "(a)".

Page 3, line 22, delete "2015," and insert "2016,".

Page 3, delete lines 24 through 28, begin a new paragraph and insert:

"Sec. 5. A reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in this article shall be treated after December 31, 2016, as a reference to the new provision."

Page 3, line 32, after "purpose." insert "Notwithstanding the repeal of IC 6-3.5 and the enactment of this article, any pledge of revenues received from a tax imposed under any of the provisions of IC 6-3.5 (prior to its repeal) to the payment, in whole or in part, of:

(1) the principal of and interest on bonds;

(2) lease rentals due under a lease; and

(3) the payment of any other obligation;

is binding and enforceable and remains in full force and effect as long as the principal of and interest on any bonds, the lease rentals due under any lease, or the payment of any obligation remains unpaid. The enactment of this article does not affect any rights, duties, obligations, proceedings, or liabilities accrued before January 1, 2017. Those rights, duties, obligations, proceedings, or liabilities continue and shall be imposed and enforced under prior law as if this article had not been enacted."

Page 4, delete lines 5 through 24, begin a new paragraph and insert:

"Sec. 9. Before August 2, 2016, the budget agency, with the assistance of the department of local government finance, shall certify to each county the income tax rates under this article, by tax rate category, as categorized by the office of management and budget under this chapter."

Page 4, line 25, delete "12." and insert "10."

Page 8, line 1, delete "fund." and insert "fund, plus, in the case of Marion County, thirty-five million dollars (\$35,000,000)."

Page 12, delete lines 8 through 13.

Page 13, line 35, delete "one percent (1%)" and insert "two and five-tenths percent (2.5%)".

Page 13, delete line 42 and insert "this section. Property taxes imposed due to a referendum in which a majority of the voters in the taxing unit imposing the property taxes approved the property taxes are not eligible for a credit under this section."

Page 14, delete lines 1 through 6.

Page 14, line 9, after "credits" insert "in subsequent years. The ordinance must be adopted before July 1 and first applies in the following year and then thereafter until it is rescinded or modified. The property tax credits may be allocated".

Page 14, between lines 16 and 17, begin a new line block indented and insert:

"(3) For any of the following types of property as a single category:

(A) Residential property, as defined in 6-1.1-20.6-4.

(B) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 (repealed) or the standard deduction under IC 6-1.1-12-37.

(C) Real property consisting of units that are regularly used to rent or otherwise furnish residential accommodations for periods of at least

thirty (30) days, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

- (i) residential property; or
- (ii) commercial property."

Page 14, line 17, delete "(3)" and insert "(4)".

Page 14, delete lines 30 through 42.

Page 15, delete lines 1 through 38.

Page 15, line 42, after "county." insert "The credit percentage may be, but does not have to be, uniform for all categories of property."

Page 16, line 7, delete "uniformly only".

Page 16, line 8, delete "(d)(3)" and insert "(d)(4)".

Page 16, line 11, delete "(d)(3)." and insert "(d)(4).".

Page 16, line 14, delete "(d)(2)." and insert "(d)(3).".

Page 16, line 17, delete "(d)(1)." and insert "(d)(2).".

Page 16, between lines 17 and 18, begin a new line block indented and insert:

"(4) Fourth, if an excess remains after applying the reduction as described in subdivisions (1) through (3), against property taxes imposed on property described in subsection (d)(1).".

Page 16, line 39, delete "two and five-tenths percent (2.5%)" and insert "one and twenty-five hundredths percent (1.25%)".

Page 16, line 41, delete "two and seventy-five hundredths percent (2.75%)" and insert "one and five-tenths percent (1.5%)".

Page 17, line 22, after "allocated" insert "in subsequent years. The ordinance must be adopted before July 1 and first applies in the following year and then thereafter until it is rescinded or modified. The revenue must be allocated".

Page 18, line 29, delete "subsection" and insert "IC 6-3.6-11,".

Page 18, line 30, delete "(b),".

Page 18, line 38, before "municipality" insert "county or".

Page 18, line 40, after "by" insert "the county and".

Page 20, delete lines 36 through 38, begin a new line double block indented and insert:

"(B) the population of the entire county.".

Page 23, line 34, delete "." and insert "other than Marion County.".

Page 23, delete lines 39 through 42.

Page 24, line 1, delete "(3)" and insert "(2)".

Page 24, line 22, delete "(a) This section" and insert "IC 6-3.6-11".

Page 24, delete lines 24 through 42.

Page 25, delete lines 1 through 9.

Page 27, line 5, after "years." insert "The adopting body shall provide a notice to the budget agency, the department of local government finance, and the department of state revenue specifying that the date for the termination of the tax rate has occurred.".

Page 47, line 1, after "department" insert "of state revenue".

Page 47, line 2, delete ":" and insert "of state revenue:".

Page 53, line 40, after "highest" insert "outstanding".

Page 54, line 2, after "highest" insert "outstanding".

Page 60, between lines 1 and 2, begin a new paragraph and insert:

"Chapter 11. Supplemental Allocation and Distribution Requirements

Sec. 1. (a) This section applies to any county that imposed a former tax to provide for a levy freeze.

(b) The revenue used to offset the levy freeze shall be part of the tax rate under IC 6-3.6-5.

(c) The levy freeze amount prescribed by the adopting body shall continue to be applied under this article as it was applied under the former tax until an adopting body adopts an ordinance:

(1) that fixes the levy freeze amount as of a certain date as permitted under the former tax; or

(2) provides that the levy freeze no longer applies.

(d) The levy freeze, levy amounts, and income tax distributions shall be administered in the same manner as under the former tax. The distributions of income tax shall be made before applying the property tax credits funded by a tax rate under IC 6-3.6-5.

Sec. 2. (a) This section applies to Jasper County's allocation of property tax credits provided by a tax rate under IC 6-3.6-5.

(b) A taxpayer that owns an industrial plant located in Jasper County is ineligible for a credit under this section against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds twenty percent (20%) of the total assessed value of all taxable property in the county on that date. The general assembly finds that the provisions of this subsection are necessary because the industrial plant represents such a large percentage of Jasper County's assessed valuation.

Sec. 3. (a) This section applies to Lake County's categorizations, allocations, and distributions under IC 6-3.6-5.

(b) The rate under the former tax in Lake County that was used for any of the following shall be categorized under IC 6-3.6-5 and used for the following:

(1) To reduce all property tax levies imposed by the county by the granting of property tax replacement credits against those property tax levies.

(2) To provide local property tax replacement credits in Lake County in the following manner:

(A) The tax revenue under this section that is collected from taxpayers within a particular municipality in Lake County (as determined by the department of state revenue based on the department's best estimate) shall be used only to provide a local property tax credit against property taxes imposed by that municipality.

(B) The tax revenue under this section that is collected from taxpayers within the unincorporated area of Lake County (as determined by the department of state revenue) shall be used only to provide a local property tax credit against property taxes imposed by the county. The local property tax credit for the unincorporated area of Lake County shall be available only to those taxpayers within the unincorporated area of the county.

(3) To provide property tax credits in the following manner:

(A) Sixty percent (60%) of the tax revenue shall be used as provided in subdivision (2).

(B) Forty percent (40%) of the tax revenue shall be used to provide property tax replacement credits against property tax levies of the county and each township and municipality in the county. The percentage of the tax revenue distributed under this item that shall be used as credits against the county's levies or against a particular township's or municipality's levies is equal to the percentage determined by dividing the population of the county, township, or municipality by the sum of the total population of the county, each township in the county, and each municipality in the county.

The Lake County council shall determine whether the credits under subdivision (1), (2), or (3) shall be provided to homesteads, to all qualified residential property, or to all taxpayers. The department of local government finance, with the assistance of the budget agency, shall certify to the county auditor and the fiscal body of the county and each township and municipality in the county the amount of property tax credits under this subdivision. The tax revenue

under this section that is used to provide credits under this subdivision shall be treated for all purposes as property tax levies but shall not be considered for purposes of computing the maximum permissible property tax levy under IC 6-1.1-18.5-3 or the credit under IC 6-1.1-20.6.

Sec. 4. (a) This section applies to Marion County's allocation of the tax revenue under IC 6-3.6-6 that is dedicated to public safety.

(b) The adopting body may allocate part or all of the certified distribution that is allocated to public safety purposes to fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b).

Sec. 5. (a) This section applies to Marion County's allocation of the tax revenue under IC 6-3.6-6 that is dedicated to certified shares.

(b) The consolidated city, the county, all special taxing districts, special service districts, included towns (as defined in IC 36-3-1-7), and all other political subdivisions except:

- (1) townships;
- (2) excluded cities (as defined in IC 36-3-1-7); and
- (3) school corporations;

are considered to comprise one (1) civil taxing unit whose fiscal body is the fiscal body of the consolidated city.

(c) For purposes of subsection (d), the following amounts are referred to as the subsection (c) ratio:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(d) The distributive shares that each civil taxing unit in the county is entitled to receive during a month equals the total amount of revenues that are to be distributed as distributive shares during that month calculated as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under IC 6-3.6-6 for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the applicable subsection (c) ratio for the civil taxing unit.

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be

distributed by multiplying the STEP ONE amount by the subsection (c) ratio.

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the subsection (c) ratio. The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the welfare allocation amount; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the welfare allocation amount."

(Reference is to HB 1485 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

BROWN T, Chair

Report adopted.

Representatives T. Brown and Bauer, who had been present are now excused.

HOUSE BILLS ON SECOND READING

House Bill 1005

Representative Smaltz called down House Bill 1005 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1005-1)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

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

"SECTION 1. IC 6-3-2-22, AS ADDED BY P.L.229-2011, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 22.

(a) The following definitions apply throughout this section:

- (1) "Dependent child" means an individual who:
 - (A) is eligible to receive a free elementary or high school education in an Indiana school corporation;
 - (B) qualifies as a dependent (as defined in Section 152 of the Internal Revenue Code) of the taxpayer; and
 - (C) is the natural or adopted child of the taxpayer or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code.

(2) "Education expenditure" refers to any expenditures made in connection with enrollment, attendance, or participation of the taxpayer's dependent child in:

- (A) a private elementary or high school education

program, for taxable years beginning before January 1, 2015; or
(B) either:
(i) a private elementary or high school education program; or
(ii) a public elementary or high school education program;
 for taxable years beginning after December 31, 2014.

The term includes tuition, fees, computer software, textbooks, workbooks, curricula, school supplies (other than personal computers), and other written materials used primarily for academic instruction or for academic tutoring, or both.

(3) "Private elementary or high school education program" means attendance at:

(A) a nonpublic school (as defined in IC 20-18-2-12); or

(B) an accredited nonpublic school; in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school. The term does not include the delivery of instructional service in a home setting to a dependent child who is enrolled in a school corporation or a charter school.

(4) "Public elementary or high school education program" means attendance at:

(A) a public school (as defined in IC 20-18-2-15); or

(B) a charter school (as defined in IC 20-18-2-2.5); in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school.

(b) This section applies to taxable years beginning after December 31, 2010.

(c) A taxpayer who makes an unreimbursed education expenditure during the taxpayer's taxable year is entitled to a deduction against the taxpayer's adjusted gross income in the taxable year.

(d) The amount of the deduction is:

(1) one thousand dollars (\$1,000); multiplied by

(2) the number of the taxpayer's dependent children for whom the taxpayer made education expenditures in the taxable year.

A husband and wife are entitled to only one (1) deduction under this section.

(e) To receive the deduction provided by this section, a taxpayer must claim the deduction on the taxpayer's annual state tax return or returns in the manner prescribed by the department."

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed February 13, 2015.)

PORTER

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Torr withdrew the point of order.

The question then was on the motion of Representative Porter.

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 140: yeas 27, nays 69. Motion failed. The bill was ordered engrossed.

House Bill 1008

Representative Ober called down House Bill 1008 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1008-1)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 20, delete lines 2 through 40.

Page 21, delete lines 34 through 37.

Page 21, line 38, delete "(e) Notice" and insert "(d) **Notwithstanding other provisions of this chapter, notice**".

Page 21, delete lines 41 through 42.

Page 22, delete line 1.

Page 22, line 2, delete "(g)" and insert "(e)".

Page 22, line 4, delete "(h)" and insert "(f)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed February 13, 2015.)

THOMPSON

Motion prevailed.

HOUSE MOTION
 (Amendment 1008-3)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 3, delete lines 8 through 42.

Delete pages 4 through 13.

Page 14, delete lines 1 through 31.

Page 16, delete lines 12 through 42.

Delete pages 17 through 19.

Page 20, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed February 13, 2015.)

KERSEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 141: yeas 38, nays 56. Motion failed.

HOUSE MOTION
 (Amendment 1008-2)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

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

"SECTION 1. IC 3-7-13-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 10.5. Notwithstanding section 10 of this chapter, an individual may register or transfer registration on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.**

SECTION 2. IC 3-7-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 11. A person desiring to register or transfer a registration may do so:

(1) at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur;

or

(2) on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11.

SECTION 3. IC 3-7-13-12, AS AMENDED BY P.L.1-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 12. Except as otherwise provided in this article, if a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 or 10.5 of this chapter, the county voter registration office shall enter the data from the application into the computerized list and designate the application as pending. ~~in the same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5.~~ However, the county voter registration office shall ensure that

(1) the notice required under IC 3-7-33-5 is not mailed to the applicant before the first day that the registration period reopens; and

(2) the registration information provided by the applicant does not appear on any certified list of voters or certificate

of registration.

of error issued under this article.

SECTION 4. IC 3-7-33-5, AS AMENDED BY P.L.64-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 5. (a) This subsection does not apply to a voter who indicates:

- (1) under IC 3-7-39-7 or on an absentee application submitted under IC 3-11-4 that the voter has changed the voter's residence to an address within the same precinct where the voter's former address was located; or
- (2) under IC 3-7-41 or an absentee application submitted under IC 3-11-4 that the voter has changed the voter's name.

When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2); 52 U.S.C. 20507(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.
- (3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) Except as provided under subsection (g); The applicant is registered to vote under the applicant's residence address. when the applicant receives the notice: An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

- (4) In accordance with 42 U.S.C. 1973ff-1(d); 52 U.S.C. 20302(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may not include a voter identification number.

(e) The notice required by subsection (b) may include a voter registration card.

(f) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall ~~determine~~ **indicate on the computerized list maintained under IC 3-7-26.3 that the applicant is ineligible and deny the application: applicant's registration is inactive.**

(g) ~~During the seven (7) days following the mailing of the notice to the voter under this section; the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending: If the notice:~~

- (1) is not returned by the United States Postal Service and received by the county voter registration office at; or
- (2) is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;

the expiration of the seven (7) day period under subsection (c);

the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29: If:

- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g); and
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(i) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29: If:

- (1) the seven (7) day period has not expired before election day; and
- (2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (g);

the county voter registration office shall notify the county election board: The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending; and that the voter, subject to fulfilling the requirements of IC 3-11-7; is entitled to cast a provisional ballot.

SECTION 5. IC 3-7-36-14, AS AMENDED BY P.L.76-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the seventh day before election day; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period applicable to the voter under this chapter and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

- (1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the eighth day before election day, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the eighth day before election day, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

- (2) Completing a registration affidavit.

(c) Except as provided in subsection (g), a voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise

provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

(g) A person described in subsection (b) may register and vote on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 6. IC 3-7-48-1, AS AMENDED BY P.L.271-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless:

- (1) the county voter registration office issues a signed certificate of error immediately available for inspection in the county voter registration office showing that the voter is legally registered in the precinct where the voter resides; or
- (2) the voter has registered as provided in IC 3-7-49.

(b) A person:

- (1) whose name does not appear on the registration record; and
- (2) who does not register as provided in IC 3-7-49;

may cast a provisional ballot as provided in IC 3-11.7.

SECTION 7. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]:

Chapter 49. Election Day Registration

Sec. 1. (a) A person who is not registered to vote but is otherwise qualified to vote shall be allowed to vote at the polls in a primary, general, municipal, school district, or special election if the person registers at the polls under this chapter.

(b) In order to register to vote at a precinct under this chapter, a person:

- (1) must be a resident of the precinct;
- (2) must be otherwise legally qualified to vote under IC 3-7-13-1;
- (3) may not be registered to vote under IC 3-7-14 through IC 3-7-22;
- (4) may not be qualified to vote under IC 3-7-39-7, IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12; and
- (5) may not have already voted in the election.

(c) Before allowing a person to vote under this chapter, the poll clerk or other precinct election officer shall require the person to do the following:

- (1) Complete a voter registration form prescribed by IC 3-7-18, along with the affirmation described in section 3 of this chapter, and sign the form in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer.
- (2) Provide acceptable proof of residence.

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of

residence:

- (1) A current and valid photo identification.
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.
- (3) A statement signed by any other voter in the precinct that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator must provide the identification listed in subdivision (1) or (2) as proof of the corroborator's residence and must sign the statement in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If a person presents a document under subsection (a), the poll clerk shall add a notation to the poll list indicating the type of document presented by the person. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the person under IC 3-11.7-2.

(d) The precinct election board shall advise the person that the person may file a copy of the documentation with:

- (1) the county voter registration office; or
- (2) the precinct election board in the voter's precinct;

to permit the provisional ballot to be counted under IC 3-11.7.

Sec. 3. The commission shall prescribe the affirmation required by section 1(c)(1) of this chapter. The affirmation must include a statement that the person has not already voted at the election for which the person is registering to vote.

Sec. 4. A person who registers to vote under this chapter:

- (1) may not be challenged on the grounds that the person's registration does not appear in the precinct registration book or poll list; and
- (2) is not required to obtain a certificate of error under IC 3-7-48 to vote.

Sec. 5. Before each primary, general, municipal, school district, or special election, the county election board shall provide each precinct election board with a sufficient number of registration forms, affirmations, and statements to meet the reasonable need for the forms under this chapter.

Sec. 6. The precinct election board shall attach the completed registration forms, affirmations, and statements to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

Sec. 7. (a) The precinct election board shall add the name and address of a person who registers to vote under this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a person who registers to vote under this chapter to the registration record of the county.

Sec. 8. The county voter registration office shall process under IC 3-7-33-5 the voter registration forms completed under section 1 of this chapter.

Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who registered under this chapter is returned as undeliverable, the county voter registration office shall initiate steps under IC 3-7-33-6 to remove the person from the registration rolls.

Sec. 10. A registration completed under this chapter for which the notice mailed under IC 3-7-33-5 is not returned is effective to the same extent as if the registration had been completed under IC 3-7-14 through IC 3-7-22."

Page 3, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 13. IC 3-10-8-9, AS AMENDED BY P.L.10-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d), **except that a person may register or transfer registration on the day of a special election as provided in IC 3-7-49.**

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

- (1) have registered through the twenty-ninth day before the special election is to be conducted; or
- (2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election."

Page 5, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 15. IC 3-11-4-1, AS AMENDED BY P.L.66-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

- (1) by mail;**
- (2) before an absentee voter board as otherwise provided in this article; a voter voting by absentee ballot must vote**
- (3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or**
- (4) at a satellite office established under IC 3-11-10-26.3.**

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12.5 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 16. IC 3-11-4-2, AS AMENDED BY P.L.64-2014, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

- ~~(A) by mail; or~~
 - ~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~
- ~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

~~(5) (4) The voter identification number of the individual.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:

- (A) is ineligible to vote or to cast an absentee ballot; or
- (B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board not later than:

- (1) noon ten (10) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board; whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

- (1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.
- (2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.
- (3) Beginning January 1, 2015, the date (or dates) that the absentee ballot applications attached to the affidavit were received.
- (4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:
 - (A) is ineligible to vote or to cast an absentee ballot; or
 - (B) did not properly complete and sign the application.
- (5) A statement that the person is executing the affidavit under the penalties of perjury.
- (6) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 17. IC 3-11-4-18, AS AMENDED BY P.L.194-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.

(d) As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots."

Page 5, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 20. IC 3-11-8-15, AS AMENDED BY P.L.194-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of:
 - (A) voting; or
 - (B) for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct so that the voter's provisional ballot may be counted under IC 3-11-7.

(8) Minor children accompanying voters as provided under IC 3-11-11-8.

(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.

(10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

- (A) The county chairman of a political party.
- (B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 21. IC 3-11-8-16, AS AMENDED BY P.L.230-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 16. A

person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of:

- (1) offering to vote; or
- (2) for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct so that the voter's provisional ballot may be counted under IC 3-11.7.**

SECTION 22. IC 3-11-8-25.1, AS AMENDED BY P.L.76-2014, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce ~~the voter's name~~ **the voter's name and whether the voter wants to register to vote at the polls. If the voter wants to register and meets the conditions set forth in IC 3-7-49, the poll clerk or other precinct election officer shall register the voter in accordance with IC 3-7-49. If the voter is already registered,** a poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of

identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll book. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or reentering the address in the electronic poll book.

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

SECTION 23. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 25.5. (a) If an individual signs the individual's name and either:

- (1) signs the individual's address; or
- (2) checks the "Address Unchanged" box;

on the poll list or provides the information for entry by the poll clerk into the electronic poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls, ~~to cast a ballot at the election.~~ **except as provided by subsection (b).**

(b) An individual who:

- (1) registers to vote on election day under IC 3-7-49; and**
- (2) casts a provisional ballot under IC 3-11.7 because the individual is unable to present the documentation required under IC 3-7-49-2(a);**

is entitled to reenter the polls solely to file a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the individual's precinct so that the individual's provisional ballot may be counted under IC 3-11.7.

SECTION 24. IC 3-11-10-24, AS AMENDED BY P.L.225-2011, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(11) The voter is a member of the military or public safety officer.

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in section 1.5 of this chapter.

SECTION 25. IC 3-11-10-26, AS AMENDED BY P.L.258-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) The office of the board of elections and registration.

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(e) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(f) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(g) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the ~~two (2)~~ **four**

(4) Saturdays preceding election day.

(h) ~~Notwithstanding subsection (g); in a county with a population of less than twenty thousand (20,000); the absentee voter board in the office of the circuit court clerk, with the approval of the county election board; may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day:~~

(†) (h) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(†) (i) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(†) (j) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(†) (k) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9."

Page 16, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 35. IC 3-11-7-2-1, AS AMENDED BY P.L.219-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. (a) As provided by ~~42 U.S.C. 15482~~, **52 U.S.C. 21082**, this section applies to the following individuals:

- (1) An individual:
 - (A) whose name does not appear on the registration list; and
 - (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.
- (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.
- (3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(4) An individual who is registering to vote at the polls but has not presented identification required under IC 3-7-49-2.

(b) As required by ~~42 U.S.C. 15483~~, A voter who has registered to vote but has not:

- (1) presented identification required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** to the poll clerk before voting in person under IC 3-11-8-25.1; or
- (2) filed a copy of the identification required under ~~42 U.S.C. 15483~~ **52 U.S.C. 21083** to the county voter

registration office before the voter's absentee ballot is cast; or

(3) presented identification required under IC 3-7-49-2 to the poll clerk before voting in person under IC 3-11-8-25.1;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

- (1) is eligible to vote under IC 3-7-13-1;
- (2) submitted a voter registration application during the registration period described by IC 3-7-13-10; and
- (3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed February 13, 2015.)

KERSEY

Upon request of Representatives Pelath and Forestal, the Speaker ordered the roll of the House to be called. Roll Call 142: yeas 27, nays 67. Motion failed.

HOUSE MOTION
(Amendment 1008-5)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 4, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 7. IC 3-11-4-1, AS AMENDED BY P.L.66-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as otherwise provided in this article; a voter voting by absentee ballot must vote

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12.5 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 8. IC 3-11-4-2, AS AMENDED BY P.L.64-2014, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.
- ~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18, IC 3-11-10-24, or IC 3-11-10-25.~~

~~(5) (4) The voter identification number of the individual.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.
- (2) The date this assistance was provided.
- (3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.
- (4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

When providing assistance to an individual, the person must, in the individual's presence and with the individual's consent, provide the information listed in subsection (d) if the individual is unable to do so.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall indicate on the application the date the person received the application, and file the application with the appropriate county election board not later than:

- (1) noon ten (10) days after the person receives the application; or

- (2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first. The election division, a county election board, or a board of elections and registration shall forward an absentee ballot application to the county election board or board of elections and registration of the county where the individual resides.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) Beginning January 1, 2015, the date (or dates) that the absentee ballot applications attached to the affidavit were received.

(4) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(5) A statement that the person is executing the affidavit under the penalties of perjury.

(6) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 9. IC 3-11-4-18, AS AMENDED BY P.L.194-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail;~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.

(d) As required by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by ~~42 U.S.C. 15481~~, **52 U.S.C. 21081**, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots."

Page 5, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 13. IC 3-11-10-24, AS AMENDED BY P.L.225-2011, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

~~(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.~~

~~(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:~~

~~(A) a precinct election officer under IC 3-6-6;~~

~~(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;~~

~~(C) a challenger or pollbook holder under IC 3-6-7; or~~

~~(D) a person employed by an election board to administer the election for which the absentee ballot is requested.~~

~~(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.~~

~~(4) The voter is a voter with disabilities.~~

~~(5) The voter is an elderly voter.~~

~~(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.~~

~~(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.~~

~~(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.~~

~~(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.~~

~~(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).~~

~~(11) The voter is a member of the military or public safety officer.~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in section 1.5 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed February 13, 2015.)

FORESTAL

Upon request of Representatives Forestal and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 143: yeas 29, nays 64. Motion failed. The bill was ordered engrossed.

House Bill 1010

Representative McMillin called down House Bill 1010 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1010-1)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Delete the title and insert the following:

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

Page 2, line 21, delete "assembly, including money appropriated to the account under" and insert "assembly."

Page 2, delete line 22.

(Reference is to HB 1010 as printed February 13, 2015.)

MCMILLIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1303

Representative McMillin called down House Bill 1303 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1303-3)

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 2, line 5, after "have" delete "a" and insert "**an**

occupational".

Page 2, line 8, after "appropriate" insert "occupational".

Page 2, line 16, delete "." and insert "or the director's designee."

Page 4, line 24, delete "requests the agency" and insert "submits a written request to the agency to".

Page 4, between lines 26 and 27, begin a new line block indented and insert:

"(3) Permit an existing board or commission to apply to use the registry as a means to offer additional credentialing opportunities to qualified licensed professionals."

Page 4, line 33, after "certified" insert "is not prohibited from performing the occupation for compensation but".

(Reference is to HB 1303 as printed February 10, 2015.)

MCMILLIN

Motion prevailed.

HOUSE MOTION
(Amendment 1303-5)

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 4, after line 40, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2015] (a) The county election board of each county shall place on the ballot at the November 2016 general election the following public question:

"Do you support an increase in the Indiana minimum wage?"

(b) The county election board shall print the following immediately below the public question stated in subsection (a):

"The vote on this question is advisory only. The result of the vote on this public question is not binding on the General Assembly or the governor."

(c) Each county election board shall:

(1) tabulate the votes cast on the public question stated in subsection (a); and

(2) certify the results under IC 3-12-4-9.

(d) IC 3 applies to the public question required by this SECTION except where IC 3 conflicts with this SECTION.

(e) The secretary of state shall certify the results of the vote in each county on the public question required by this SECTION to each of the following:

(1) The speaker of the house of representatives.

(2) The minority leader of the house of representatives.

(3) The president pro tempore of the senate.

(4) The minority leader of the senate.

(5) The governor.

(f) This SECTION expires July 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to HB 1303 as printed February 10, 2015.)

BARTLETT

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that Representative Bartlett's amendment House Bill 1303-04 violates House Rule 80. The amendment addresses public question on the minimum wage paid to workers in occupations, and is germane to the bill's subject matter which concerns the registry of professions.

BARTLETT
PIERCE

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

The question was, Shall the ruling of the Chair be sustained?

Roll Call 144: yeas 66, nays 26. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker..

Representative V. Smith is now excused.

HOUSE MOTION
(Amendment 1303-1)

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 3, line 17, delete "organizations" and insert "organization".

Page 3, line 19, delete "The" and insert **"If two (2) or more requests are made concerning a desire to become a supporting organization, the one (1) supporting organization that is most responsible and most closely related to the occupation in question must be chosen. The"**

Page 3, line 21, delete "organizations" and insert "organization".

Page 3, line 21, delete "accredits." and insert **"will accredit."**

Page 3, line 23, delete "at least".

(Reference is to HB 1303 as printed February 10, 2015.)

NIEZGODSKI

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 145: yeas 27, nays 67. Motion failed. The bill was ordered engrossed.

House Bill 1304

Representative McMillin called down House Bill 1304 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1304-1)

Mr. Speaker: I move that House Bill 1304 be amended to read as follows:

Page 21, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 23. IC 12-23-14-16, AS AMENDED BY P.L.136-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The court may require an eligible individual to pay a fee for a service of a program.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for program services.

(c) The fee for program services, excluding reasonable fees for education or treatment and rehabilitation services, may not exceed four hundred dollars (\$400).

(d) A fee collected An alcohol and drug services program or the clerk of the court shall collect fees under this chapter. shall be deposited in the city or county The fees must be transferred within thirty (30) days after the fees are collected for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8."

Page 28, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 38. IC 33-37-5-8, AS AMENDED BY P.L.97-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section applies to criminal, infraction, and ordinance violation actions. However, it does not apply to a case excluded under IC 33-37-4-2(d).

(b) Subject to IC 12-23-14-16(d), the clerk shall collect the alcohol and drug services program fee set by the court under IC 12-23-14-16 in a county that has established an alcohol and drug services program.

(c) In each action in which a defendant is found to have:

(1) committed a crime;

(2) violated a statute defining an infraction; or

(3) violated an ordinance of a municipal corporation; the clerk shall collect a law enforcement continuing education program fee of four dollars (\$4)."

Renumber all SECTIONS consecutively.
(Reference is to HB 1304 as printed February 13, 2015.)
KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1333

Representative Truitt called down House Bill 1333 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1333-1)

Mr. Speaker: I move that House Bill 1333 be amended to read as follows:

Page 3, delete lines 22 through 42.

Page 4, delete lines 1 through 18, begin a new paragraph and insert:

"SECTION 3. IC 21-13-1-8, AS ADDED BY P.L.2-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. "Scholarship applicant", for purposes of IC 21-13-4, means a person who:

- (1) is an eligible student;
- ~~(2) is a resident of Indiana;~~
- ~~(3) (2)~~ has been accepted to attend a state educational institution as a full-time or part-time student;
- ~~(4) (3)~~ has been certified to have met all National Guard requirements; and
- ~~(5) (4)~~ according to commission requirements, has timely filed an application for **and, if applicable, used** any federal and state financial assistance available to the person to attend a state educational institution.

SECTION 4. IC 21-13-1-9, AS ADDED BY P.L.144-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. "Scholarship extension applicant", for purposes of IC 21-13-5, means a person who:

- (1) is a former member of the Indiana National Guard who was called to active duty at least one (1) time while a member of the Indiana National Guard;
- (2) was a scholarship applicant when the person was called to active duty;
- ~~(3) is a resident of Indiana;~~
- ~~(4) (3)~~ has been accepted to attend a state educational institution as a full-time or part-time student; and
- ~~(5) (4)~~ according to commission requirements, has timely filed an application for **and, if applicable, used** any federal and state financial assistance available to the person to attend a state educational institution.

SECTION 5. IC 21-13-4-3, AS AMENDED BY P.L.281-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **Subject to subsection (b)**, each scholarship awarded under this chapter:

- (1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of the number of terms that constitutes four (4) undergraduate academic years; and
- (2) is subject to other eligibility criteria as established by the commission.

(b) A scholarship awarded under this chapter may not be renewed if the eligible individual fails to maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress."

Renumber all SECTIONS consecutively.
(Reference is to HB 1333 as printed February 6, 2015.)
TRUITT

Motion prevailed.

HOUSE MOTION (Amendment 1333-2)

Mr. Speaker: I move that House Bill 1333 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 4-30-16-3, AS AMENDED BY P.L.146-2008, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The commission shall transfer the surplus revenue in the administrative trust fund as follows:

(1) Before the last business day of January, April, July, and October, the commission shall transfer to the treasurer of state, for deposit in the Indiana state teachers' retirement fund (IC 5-10.4-2), seven million five hundred thousand dollars (\$7,500,000). Notwithstanding any other law, including any appropriations law resulting from a budget bill (as defined in IC 4-12-1-2), the money transferred under this subdivision shall be set aside in the pension stabilization fund (IC 5-10.4-2-5) to be used as a credit against the unfunded accrued liability of the pre-1996 account (as defined in IC 5-10.4-1-12) of the Indiana state teachers' retirement fund. The money transferred is in addition to the appropriation needed to pay benefits for the state fiscal year.

(2) Before the last business day of January, April, July, and October, the commission shall transfer seven million five hundred thousand dollars (\$7,500,000) of the surplus revenue to the treasurer of state for deposit in the pension relief fund (IC 5-10.3-11).

(3) Before the last business day of January, April, July, and October, the commission shall transfer to the treasurer of state for deposit on that day in the build Indiana fund an amount of surplus revenue remaining after the transfers under subdivisions (1) and (2) equal to the lesser of:

- (A) the amount of surplus revenue remaining after the transfers under subdivisions (1) and (2); or**
- (B) the corresponding quarterly transfer made in 2014 to the build Indiana fund.**

(4) Before the last business day of January, April, July, and October, the commission shall transfer to the treasurer of state for deposit in the state general fund an amount of surplus revenue remaining after the transfers in subdivisions (1) through (3) equal to the lesser of:

- (A) the amount of surplus revenue remaining after the transfers under subdivisions (1) through (3); or**
- (B) the quotient of:**

- (i) the aggregate amount of revenue that was not realized by all state educational institutions (as defined in IC 21-7-13-32) because of the provisions under IC 21-14-2-6(b) and IC 21-14-2-6(c) during the academic year (as defined in IC 21-7-13-3) that immediately precedes the academic year in which the transfer is being made; divided by**
- (ii) four (4).**

~~(3) (5)~~ The surplus revenue remaining in the fund on the last day of January, April, July, and October after the transfers under subdivisions (1) ~~and (2)~~ **through (4)** shall be transferred by the commission to the treasurer of state for deposit on that day in the build Indiana fund.

(b) The commission may make transfers to the treasurer of

state more frequently than required by subsection (a). However, the number of transfers does not affect the amount that is required to be transferred for the purposes listed in subsection (a)(1) ~~and (a)(2)~~: **through (a)(4)**. Any amount transferred during the month in excess of the amount required to be transferred for the purposes listed in subsection (a)(1) ~~and (a)(2)~~ **through (a)(4)** shall be transferred to the build Indiana fund."

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 6. IC 21-14-2-6, AS ADDED BY P.L.234-2007, SECTION 270, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Subject to ~~section 12 of this chapter~~, **subsections (b) and (c)**, a state educational institution shall set tuition and fee rates for a two (2) year period.

(b) **This subsection applies to an undergraduate student who initially enrolls in a state educational institution for an academic year beginning after July 1, 2015. The tuition rate that a state educational institution charges an undergraduate student during the period of four (4) consecutive academic years beginning with the academic year in which the undergraduate student initially enrolls at the state educational institution may not exceed the applicable tuition rate in the schedule of undergraduate tuition rates that was in effect at the state educational institution for the academic year in which the undergraduate student initially enrolled at the state educational institution.**

(c) **This subsection applies to an undergraduate student who initially enrolled in a state educational institution for an academic year beginning after July 1, 2012, and beginning before July 1, 2015. The tuition rate that a state educational institution charges an undergraduate student for an academic year that begins after July 1, 2015, and is in the period of four (4) consecutive academic years beginning with the academic year in which the undergraduate student initially enrolled at the state educational institution may not exceed the applicable tuition rate in the schedule of undergraduate tuition rates that was in effect at the state educational institution for the academic year beginning September 1, 2014.**

SECTION 7. IC 21-14-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) **There is annually appropriated from the state general fund to Ball State University for use in paying its operating expenses an amount equal to the revenue that was not realized by Ball State University during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter.**

(b) **There is annually appropriated from the state general fund to Indiana State University for use in paying its operating expenses an amount equal to the revenue that was not realized by Indiana State University during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter.**

(c) **There is annually appropriated from the state general fund to Indiana University for use in paying its operating expenses an amount equal to the revenue that was not realized by Indiana University during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter.**

(d) **There is annually appropriated from the state general fund to Ivy Tech Community College for use in paying its operating expenses an amount equal to the revenue that was not realized by Ivy Tech Community College during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter.**

(e) **There is annually appropriated from the state general fund to Purdue University for use in paying its operating expenses an amount equal to the revenue that was not**

realized by Purdue University during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter.

(f) **There is annually appropriated from the state general fund to the University of Southern Indiana for use in paying its operating expenses an amount equal to the revenue that was not realized by the University of Southern Indiana during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter.**

(g) **There is annually appropriated from the state general fund to Vincennes University for use in paying its operating expenses an amount equal to the revenue that was not realized by Vincennes University during the state fiscal year because of the provisions under section 6(b) and 6(c) of this chapter."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1333 as printed February 6, 2015.)

PORTER

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Porter withdrew the motion. There being no further amendments, the bill was ordered engrossed.

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

House Bill 1453

Representative Eberhart called down House Bill 1453 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1453-3)

Mr. Speaker: I move that House Bill 1453 be amended to read as follows:

Page 3, delete lines 15 through 16.

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

Page 3, line 18, delete "(3)" and insert "(2)".

Page 3, delete lines 19 through 25.

Page 3, line 26, delete "(c)" and insert "(b)".

Page 3, line 34, delete "(d)" and insert "(c)".

Page 3, line 38, delete "(e)" and insert "(d)".

(Reference is to HB 1453 as printed February 10, 2015.)

WASHBURN

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 146: yeas 20, nays 74. Motion failed.

Representative T. Brown, who had been excused, is now present.

HOUSE MOTION (Amendment 1453-2)

Mr. Speaker: I move that House Bill 1453 be amended to read as follows:

Page 3, line 11, delete "farm" and insert "**cervidae raised and released on a farm in Indiana.**".

Page 3, delete line 12.

Page 4, line 2, delete "that are:" and insert "**are the property of the licensed owner of the hunting preserve containing the permitted animals.**".

Page 4, delete lines 3 through 10.

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"(7) The hunting preserve must not contain cervidae imported into Indiana."

Page 5, between lines 12 and 13, begin a new paragraph and insert:

"(g) A person may not export outside of Indiana cervidae bred or raised on a hunting preserve."

(Reference is to HB 1453 as printed February 10, 2015.)

MOED

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 147: yeas 29, nays 67. Motion failed. The bill was ordered engrossed.

House Bill 1541

Representative Dermody called down House Bill 1541 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1616

Representative Clere called down House Bill 1616 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1616-4)

Mr. Speaker: I move that House Bill 1616 be amended to read as follows:

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

"SECTION 1. IC 6-3-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 14. (a) This section applies only to taxable years beginning after December 31, 2014.**

(b) The following definitions apply throughout this section:

(1) "Federal dependent exemption" means the dependent exemption provided under Section 151 of the Internal Revenue Code.

(2) "Grandchild" of an individual means a descendent of the individual's son, daughter, stepson, or stepdaughter.

(3) "Qualifying child" has the meaning set forth in Section 152 of the Internal Revenue Code.

(c) Each taxable year, an individual is entitled to a credit against the individual's adjusted gross income tax liability for each of the individual's grandchildren for whom the individual is eligible to claim a federal dependent exemption as a qualifying child on the individual's federal return for the taxable year. The amount of the credit is equal to:

(1) one thousand dollars (\$1,000); multiplied by

(2) the number of the individual's grandchildren for whom the individual is eligible to claim a federal dependent exemption as a qualifying child on the individual's federal return for the taxable year.

(d) If the amount of the credit provided by this section for a taxable year exceeds the individual's adjusted gross income tax liability for the taxable year, after the application of all credits that are to be applied before the credit provided by this section, the excess amount of the credit may not be refunded to the taxpayer, carried back to a previous taxable year, or carried forward to a future taxable year.

(e) If a married couple filing a joint return wishes to claim the credit provided by this section:

(1) the married couple is treated as one (1) individual; and

(2) the married couple's grandchildren include the grandchildren of either or both spouses."

Page 2, after line 4, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1616 as printed February 13, 2015.)

RIECKEN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

Representatives Cox, Forestal and Moed are now excused.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that Representative Riecken's amendment House Bill 1616-04 violates House Rule 80. The amendment addresses a tax credit for grandparents and is germane to the bill's subject matter which concerns the eligibility for a child care voucher.

RIECKEN
PELATH

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 148: yeas 67, nays 25. The ruling of the Chair was sustained. There being no further amendments the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

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

House Bill 1636

Representative Behning called down House Bill 1636 for second reading. The bill was re-read a second time by title.

HOUSE MOTION (Amendment 1636-11)

Mr. Speaker: I move that House Bill 1636 be amended to read as follows:

Page 3, line 1, delete "section:" and insert "**section applies to an authorizer described in IC 20-24-1-2.5(1), IC 20-24-1-2.5(2), and IC 20-24-1-2.5(5) if the authorizer has not previously issued a charter for any charter school prior to July 1, 2015.**"

Page 3, delete lines 2 through 7.

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

"SECTION 10. IC 20-24-6-3, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3. (a) Employees of a charter school may organize and bargain collectively under IC 20-29.**

(b) This subsection applies to a conversion charter school. For any collective bargaining agreement under IC 20-29 entered into after July 1, 2015, a governing body is not bound by its collective bargaining agreement for employees of a conversion charter school. Employees of a conversion charter school may organize and collectively bargain only as a unit separate from other school employees under IC 20-29."

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

"SECTION 12. IC 20-24-8-5, AS AMENDED BY P.L.160-2012, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:**

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) IC 20-39-1-1 (unified accounting system).

(3) IC 20-35 (special education).

(4) IC 20-26-5-10 (criminal history).

(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(7) IC 20-28-10-14 (teacher freedom of association).

(8) IC 20-28-10-17 (school counselor immunity).

(9) For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

- (10) IC 20-33-2 (compulsory school attendance).
- (11) IC 20-33-3 (limitations on employment of children).
- (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (13) IC 20-33-8-16 (firearms and deadly weapons).
- (14) IC 20-34-3 (health and safety measures).
- (15) IC 20-33-9 (reporting of student violations of law).
- (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (18) IC 20-33-7 (parental access to education records).
- (19) IC 20-31 (accountability for school performance and improvement).
- (20) IC 20-30-5-19 (personal financial responsibility instruction)."

Delete page 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1636 as printed February 10, 2015.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1636-10)

Mr. Speaker: I move that House Bill 1636 be amended to read as follows:

Page 3, line 10, after "corporation." insert "**The state board shall post on the state board's Internet web site an application received from an authorizer to register with the state board under this section within ten (10) days after receipt of the application. The state board may not charge an authorizer a fee to register with the state board under this section.**"

Page 5, between lines 14 and 15, begin a new paragraph and insert:

"(i) The state board shall maintain on the state board's Internet web site the names of each authorizer approved by the state board under this section."

(Reference is to HB 1636 as printed February 10, 2015.)

AUSTIN

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 149: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1636-5)

Mr. Speaker: I move that House Bill 1636 be amended to read as follows:

Page 7, line 23, before "(d)" reset in roman "and".

Page 7, line 23, delete "and (e)".

Page 8, delete lines 14 through 18.

(Reference is to HB 1636 as printed February 10, 2015.)

SMITH, V

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 150: yeas 24, nays 69. Motion failed. The bill was ordered engrossed.

House Bill 1603

Representative Smaltz called down House Bill 1603 for second reading. The bill was read a second time by title.

The Speaker announced that House Bill 1603 had been recommitted to the Committee on Local Government.

OTHER BUSINESS ON THE SPEAKER'S TABLE
Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1329 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Torr and Moed be added as coauthors of House Bill 1003.

BOSMA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sullivan be added as coauthor of House Bill 1016.

COX

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Clere, DeVon, Speedy, Cook, Ziemke and Price be added as coauthors of House Bill 1019.

TORR

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 C. Brown be added as coauthor of House Bill 1069.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Steuerwald, McMillin and V. Smith be added as coauthors of House Bill 1161.

GIAQUINTA

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Macer and C. Brown be added as coauthors of House Bill 1265.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and Niezgodski be added as coauthors of House Bill 1323.

BROWN, T

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1333.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that

Representatives Kersey, Arnold and Goodin be added as coauthors of House Bill 1452.

EBERHART

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 Wolkins be removed as 1st Sponsor and Representative Eberhart be substituted therefor and Representative Wolkins be added as cosponsor of Senate Bill 100.

WOLKINS

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 7, 27, 35, 50, 92, 164, 174, 211, 233, 249, 285, 315, 323, 324, 327, 347, 361, 363, 370, 375, 383, 406, 408, 409, 412, 437, 456, 460, 461, 469, 476, 478, 487, 492, 506, 514, 517, 524, 559 and 567 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Joint Resolution 2 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Porter, the House adjourned at 6:57 p.m., this sixteenth day of February, 2015, until Tuesday, February 17, 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