



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Nineteenth Meeting Day

Thursday Afternoon

February 12, 2015

The Senate convened at 2:02 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor Ford Glover, Suburban Baptist Church, Indianapolis.

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

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

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

Roll Call 138: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, on January 26, 2015 the Senate Committee on Ethics recommended that Senator Delph be excused from voting on Senate Bill 55.

LONG

Report Adopted.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 212, which is eligible for third reading, be returned to second reading for purposes of amendment.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 415, which is eligible for third reading, be returned to second reading for purposes of amendment.

MERRITT

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Joint Resolution 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said joint resolution be amended as follows:

Delete the title and insert the following:

A JOINT RESOLUTION proposing an amendment to the United States Constitution.

Page 1, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 1. That the General Assembly of the State of Indiana makes application to the Congress of the United States for a convention under Article V of the Constitution of the United States to propose amendments to the Constitution of the United States.

SECTION 2. That such a convention called under Article V be limited to proposing amendments to the Constitution of the United States that do the following:

- (1) Impose fiscal restraints on the federal government.
- (2) Limit the power and jurisdiction of the federal government regarding the Commerce and General Welfare Clauses.
- (3) Limit the terms of office for its officials and for members of Congress.

SECTION 3. That certified copies of this resolution be sent to the presiding officers of the Congress of the United States, to the Secretary of the United States Senate and the Clerk of the United States House of Representatives, to the presiding officer of each chamber of each state legislature in the United States, and to the members of the Congress of the United States from Indiana."

(Reference is to SJR 18 as introduced.)
and when so amended that said joint resolution be reassigned to the Senate Committee on Judiciary.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Joint Resolution 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said joint resolution be amended as follows:

Delete the title and insert the following:

A JOINT RESOLUTION proposing an amendment to Article 10 of the Constitution of the State of Indiana concerning state fiscal matters.

Delete everything after the enacting clause and insert the following:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Nineteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 10, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. ~~No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: to meet casual deficits in the revenue; to pay the interest on the State Debt; to repel invasion; suppress insurrection; or, if hostilities be threatened; provide for the public defense:~~ (a) **The following definitions apply to this section:**

(1) **"Revenue" means all income received by the State and all other State funds, excluding:**

(A) **the proceeds of bonds or other loans; and**

(B) **the balances and income of any trust funds of the State.**

(2) **"Expense" means ordinary operating costs of State government and the cost necessary to actuarially fund the accrued liabilities for employees' pension benefits.**

The term does not include any debt service payments made for asset-backed debt.

(b) **Subject to subsection (c), the total amount of expense appropriations enacted by the General Assembly for a budget period may not exceed the estimated revenue of the State, as determined by law, during the budget period. The requirement under this subsection may be suspended if at least two-thirds of the members of the House of Representatives and at least two-thirds of the members of the Senate vote to suspend the requirement.**

(c) **This subsection applies if before the end of a budget period it is estimated, as determined by law, that the revenue of the State during the budget period will be less than the amount of expense appropriations enacted for that budget period. If this subsection applies, the total amount of expense**

appropriations enacted by the General Assembly for the following budget period may not exceed the sum of:

(1) **the estimated revenue of the State, as determined by law, during the following budget period; minus**

(2) **the amount by which the expense appropriations made for the current budget period exceed the estimated revenue of the State in the current budget period.**

The requirement under this subsection may be suspended if at least two-thirds of the members of the House of Representatives and at least two-thirds of the members of the Senate vote to suspend the requirement.

(d) **A State budget enacted by the General Assembly must appropriate money for the State's pension funds in the amount necessary to actuarially fund the accrued liability of all such pension funds during the budget period, as determined at the beginning of the budget period.**

(e) **All expenses that are expected to be incurred by the State during the budget period must be included in the State budget.**

(f) **A court that orders a remedy pursuant to any case or controversy arising under this section may not order any remedies other than a declaratory judgment or such other remedies that are specifically authorized by the General Assembly in a law implementing this section.**

(Reference is to SJR 19 as introduced.)

and when so amended that said joint resolution be reassigned to the Senate Committee on Tax & Fiscal Policy.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 71, has had the same under consideration and begs leave to report the same back to the Senate 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 courts and court officers.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-33-71-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) **The judge of the St. Joseph circuit court may appoint two (2) full-time magistrates under IC 33-23-5 to serve the circuit court. In making an appointment under this section, the judge may not consider the political affiliation of a candidate for magistrate.**

(b) **A magistrate continues in office until removed by the judge.**

SECTION 2. IC 33-33-71-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) **When a vacancy occurs in the St. Joseph superior court, the clerk of the court shall promptly notify the chairman of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following this notice. The commission shall**

submit its nominations of five (5) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the serving governor, but the vacancy has not yet occurred, the clerk shall notify the commission immediately. The commission may within fifty (50) days of the notice of vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by the chairman or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any four (4) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission must be held at a place in:

- (1) the St. Joseph County courthouse; or
- (2) another building owned or operated by St. Joseph County;

in South Bend as the clerk of the St. Joseph superior court may arrange.

(d) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members. ~~attending a meeting.~~ Four (4) members are required to constitute a quorum at a meeting. The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties.

SECTION 3. IC 33-33-71-69, AS AMENDED BY P.L.127-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 69. (a) The superior court may jointly appoint two (2) full-time magistrates under IC 33-23-5 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or ~~IC 36-1-8-10(b)(2)~~: **IC 36-1-8-10(b)(3)**. Not more than one (1) of the magistrates appointed under this section may be a member of the same political party.

(b) A magistrate continues in office until jointly removed by the judges of the court.

(Reference is to SB 71 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 1.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 126, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-12-14, AS AMENDED BY P.L.293-2013(ts), SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2015 (RETROACTIVE)]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of twelve thousand four hundred eighty dollars (\$12,480) the amount determined under subsection (c) deducted from the assessed value of the tangible property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) has a total disability; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%);
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or
 - (B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and
- (5) the individual:
 - (A) owns the real property, mobile home, or manufactured home; or
 - (B) is buying the real property, mobile home, or manufactured home under contract;
 on the date the statement required by section 15 of this chapter is filed.

(b) ~~Except as provided in subsection (c);~~ The surviving spouse of an individual may receive the deduction provided by this section if the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death and the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) ~~No one~~ **The amount of the deduction that an individual is entitled to receive under subsection (a) or (b) is based on**

the assessed value of the individual's tangible property, as shown by the tax duplicate, for a particular year as follows:

(1) If the assessed value of the individual's tangible property is not more than one hundred forty-three thousand one hundred sixty dollars (\$143,160), the amount of the deduction is twelve thousand four hundred eighty dollars (\$12,480).

(2) If the assessed value of the individual's tangible property is more than one hundred forty-three thousand one hundred sixty dollars (\$143,160) but not more than one hundred fifty-six thousand two hundred seventy dollars (\$156,270), the amount of the deduction is nine thousand nine hundred eighty-four dollars (\$9,984).

(3) If the assessed value of the individual's tangible property is more than one hundred fifty-six thousand two hundred seventy dollars (\$156,270) but not more than one hundred sixty-nine thousand three hundred eighty dollars (\$169,380), the amount of the deduction is seven thousand four hundred eighty-eight dollars (\$7,488).

(4) If the assessed value of the individual's tangible property is more than one hundred sixty-nine thousand three hundred eighty dollars (\$169,380) but not more than one hundred eighty-two thousand four hundred ninety dollars (\$182,490), the amount of the deduction is four thousand nine hundred ninety-two dollars (\$4,992).

(5) If the assessed value of the individual's tangible property is more than one hundred eighty-two thousand four hundred ninety dollars (\$182,490) but not more than one hundred ninety-five thousand six hundred dollars (\$195,600), the amount of the deduction is two thousand four hundred ninety-six dollars (\$2,496).

(6) An individual is not entitled to the deduction provided by this section if the assessed value of the individual's tangible property as shown by the tax duplicate, exceeds one hundred forty-three thousand one hundred sixty dollars (~~\$143,160~~) one hundred ninety-five thousand six hundred dollars (\$195,600).

(d) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home."

Page 2, delete lines 1 through 40.

Re-number all SECTIONS consecutively.

(Reference is to SB 126 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "third party", and insert "egg bank",.

Page 1, delete lines 10 through 16, begin a new paragraph and insert:

"SECTION 3. IC 35-46-5-3, AS AMENDED BY P.L.158-2013, SECTION 572, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this section, "physician" means an individual who:

(1) is licensed to practice medicine in:

(A) Indiana under IC 25-22.5; or

(B) the state in the United States in which the individual is performing medical services;

(2) is board certified in obstetrics and gynecology; and

(3) oversees medical services related to oocyte cryopreservation.

(a) (b) As used in this section, "qualified third party" egg bank" means:

(1) a fertility clinic or similar medical facility that is located in the United States and that:

(+) (A) is accredited by an entity approved by:

(i) the medical licensing board, if the clinic or facility is in Indiana; or

(ii) the authorizing state agency or licensing board in the state in which the clinic or facility is located;

(2) (B) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and

(3) (C) is directly or indirectly owned by, employs, a contracts with, or is affiliated with at least one (1) physician licensed under IC 25-22.5 who performs medical services related to oocyte cryopreservation at the clinic or facility; or

(A) is board certified in obstetrics and gynecology; and
(B) performs oocyte cryopreservation at the facility.

(2) an entity whose:

(A) primary business purpose includes the facilitation of:

(i) in vitro fertilization;

(ii) gamete intrafallopian transfer; or

(iii) zygote intrafallopian transfer;

using cryopreserved oocytes; and

(B) majority outstanding equity interests are directly or indirectly owned by at least one (1) physician authorized to perform services at a clinic or facility described in subdivision (1).

(b) (c) Except as provided in subsection (d), a person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Level 5 felony.

(c) (d) This section Subsection (c) does not apply to the following:

(1) The ~~transfer payment~~ to or receipt by ~~either~~ a woman donor of an ovum ~~or a qualified third party~~ of an amount for:

- (A) earnings lost due to absence from employment;
- (B) travel expenses;
- (C) hospital expenses;
- (D) medical expenses; and
- (E) recovery time in an amount not to exceed four thousand dollars (\$4,000);

concerning a treatment or procedure, **including oocyte cryopreservation**, to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The payment to or receipt by a qualified egg bank of an amount for:

- (A) the retrieval of a human ovum;**
- (B) the cryopreservation of a human ovum;**
- (C) the transportation of a human ovum; or**
- (D) any other aspect of performing or facilitating services related to a treatment or procedure to enhance human reproductive capability through:**
 - (i) in vitro fertilization;**
 - (ii) gamete intrafallopian transfer; or**
 - (iii) zygote intrafallopian transfer.**

~~(2)~~ **(3)** The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.

~~(d)~~ **(e)** Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified ~~third party~~ **egg bank** under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony."

Delete pages 2 through 3.

(Reference is to SB 208 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education &

Career Development, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the Senate 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 education and to make an appropriation.

Page 1, line 6, delete "guidance" and insert "**school**".

Page 1, line 10, delete "guidance" and insert "**school**".

Page 1, line 10, delete "kindergarten through" and insert "**secondary school**".

Page 1, line 11, delete "grade 12".

Page 1, line 16, delete "commission" and insert "**department**".

Page 2, line 1, delete "one hundred (100)" and insert "**fifty (50)**".

Page 2, line 2, delete "guidance" and insert "**school**".

Page 2, line 2, delete "an elementary school (as defined" and insert "**a secondary school**".

Page 2, line 3, delete "in IC 20-18-2-4) or high school (as defined in IC 20-18-2-7)".

Page 2, line 9, delete "guidance" and insert "**school**".

Page 2, line 9, delete "an" and insert "**a secondary school; and**".

Page 2, delete lines 10 through 13.

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

Page 2, line 14, delete "or" and insert ",".

Page 2, line 14, after "corporation" insert ", **or both,**".

Page 2, line 15, after "applicant" insert ", **as agreed upon by the applicant and the school corporation,**".

Page 2, line 19, delete "commission." and insert "**department.**".

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"(d) An approved postsecondary educational institution that accepts applicants for the certificate must agree to conduct research into the impact of college and career readiness certification has on student outcomes, and to share the results of the research with the department."

Page 2, line 21, delete "guidance" and insert "**school**".

Page 2, line 23, delete "commission." and insert "**department.**".

Page 2, line 38, delete "two hundred thousand dollars (\$200,000)" and insert "**one hundred thousand dollars (\$100,000)**".

Page 2, line 41, delete "two hundred thousand dollars (\$200,000)" and insert "**one hundred thousand dollars (\$100,000)**".

(Reference is to SB 271 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred Senate Bill 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 289, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 310, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 7, after "money" insert "**based upon the current count of ADM**".

Page 4, line 9, delete "(c)" and insert "**(d)**".

Page 4, line 10, after "IC 20-30-8-1)" insert "**or other public schools**".

Page 4, between lines 10 and 11, begin a new paragraph and insert:

"(b) If a student who was enrolled in a public school on the date of the fall count of ADM is not enrolled in the school on the spring count of ADM because the student was expelled or dropped out of school, the department shall transfer to the fund established in subsection (d) from the amount appropriated by the general assembly to the department for distribution as state tuition support an amount equal to the amount of state tuition support the school corporation would have received for the student in the second six (6) months of the state fiscal year if the student were included in the school corporation's spring count of ADM. However, the department may not transfer the amount described in this subsection if the department verifies that the student was included in another school's spring count of ADM for the same particular state fiscal year."

Page 4, line 11, delete "(b)" and insert "(c)".

Page 4, line 12, after "program's" insert "**or other public school's**".

Page 4, line 12, after "expulsion" delete "," and insert "**or have previously dropped out of school,**".

Page 4, line 13, after "program" insert "**or school**".

Page 4, line 15, delete "(c)," and insert "**(d)**".

Page 4, line 18, delete "(c)" and insert "**(d)**".

Page 4, line 19, delete "(b)." and insert "**(c)**".

Page 4, line 21, delete "(d)" and insert "**(e)**".

Page 4, line 25, delete "(e)" and insert "**(f)**".

Page 4, line 27, delete "(f)" and insert "**(g)**".

Page 4, line 31, delete "(g)" and insert "**(h)**".

(Reference is to SB 310 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill 348, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "11,000" and insert "**9,000**".

(Reference is to SB 348 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax & Fiscal Policy.

Committee Vote: Yeas 7, Nays 1.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 387, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, between lines 27 and 28, begin a new line block indented and insert:

"(6) The number of reviews resolved through a preliminary informal meeting under section 1(h)(2) and 1(j) of this chapter that were:

(A) resolved in favor of the taxpayer;

(B) resolved in favor of the assessor; or

(C) resolved in some other manner.

(7) The number of reviews resolved through a written decision issued during the year by the county board under section 1(o) of this chapter that were:

(A) resolved in favor of the taxpayer;

(B) resolved in favor of the assessor; or

(C) resolved in some other manner."

(Reference is to SB 387 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 388, has had the same under consideration and begs leave to report the same back to the

Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 10-11-2-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 34. At least one (1) time every calendar month, the superintendent shall:**

(A) compile forfeiture and seizure data received under IC 34-24-1-4.5; and

(B) provide the compiled data under clause (A) to the treasurer of state in a format approved by the treasurer.

The superintendent may adopt rules under IC 4-22-2 to comply with this subdivision.

SECTION 2. IC 33-39-8-5, AS AMENDED BY P.L.176-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. The council shall do the following:**

(1) Assist in the coordination of the duties of the prosecuting attorneys of the state and their staffs.

(2) Prepare manuals of procedure.

(3) Give assistance in preparation of the trial briefs, forms, and instructions.

(4) Conduct research and studies that would be of interest and value to all prosecuting attorneys and their staffs.

(5) Maintain liaison contact with study commissions and agencies of all branches of local, state, and federal government that will be of benefit to law enforcement and the fair administration of justice in Indiana.

(6) Adopt guidelines for the expenditure of funds derived from a deferral program or a pretrial diversion program.

(7) At least one (1) time every calendar month, the council shall:

(A) compile forfeiture and seizure data received under IC 34-24-1-4.5; and

(B) provide the compiled data under clause (A) to the treasurer of state in a format approved by the treasurer.

The council may adopt rules under IC 4-22-2 to comply with this subdivision."

Delete pages 2 through 4.

Page 5, delete lines 1 through 11.

Page 5, line 14, delete "Any time:" and insert "**Not later than thirty (30) days from the end of the calendar month in which property was seized under this chapter by a law enforcement officer, the agency employing the law enforcement officer shall report the following to the state police department (or to the appropriate division of the state police department, if the officer is employed by the state police department):**

(1) An itemized list of property seized by the law enforcement agency.

(2) The estimated value of the seized property.

(3) An itemized list of any previously seized property returned to the owner.

The subsection applies even if the property is transferred to a federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e), and any related

regulations adopted by the United States Department of Justice.

(b) Not later than thirty (30) days from the end of the calendar month in which a law enforcement agency receives money or property as a result of a forfeiture under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice, the agency shall report the amount of money or property received to the state police department (or to the appropriate division of the state police department, if the law enforcement agency is the state police department).

(c) Not later than thirty (30) days from the end of the calendar month in which a law enforcement agency receives money or property under a:

(1) judgment entered under section 4 of this chapter; or

(2) sale conducted under section 6 of this chapter;

the agency shall report the amount of money or property received to the state police department (or to the appropriate division of the state police department, if the law enforcement agency is the state police department).

(d) This subsection applies only to a prosecuting attorney. Not later than thirty (30) days from the end of the calendar month in which a court enters a judgment in favor of the state or a unit under section 4 of this chapter, the prosecuting attorney shall report the:

(1) amount of money or property that is the subject of the judgment; and

(2) law enforcement agency to which the money or property is ordered to be transferred;

to the Indiana prosecuting attorneys council. This subsection applies even if the prosecuting attorney has retained an attorney to bring an action under this chapter.

(e) This subsection applies only to a prosecuting attorney. Not later than thirty (30) days from the end of the calendar month in which a court, upon motion of the prosecuting attorney under IC 35-33-5-5(j), orders property transferred to a federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e), and any related regulations adopted by the United States Department of Justice, the prosecuting attorney shall report to the Indiana prosecuting attorneys council the amount of money or property transferred. This subsection applies even if the prosecuting attorney has retained an attorney to bring an action under this chapter.

(f) A report made to the state police department or the Indiana prosecuting attorneys council under this section must be in a format approved by the state police department and the prosecuting attorneys council."

Page 5, delete lines 15 through 42.

Delete pages 6 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 388 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 394, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 11, after "(d)" insert "**for an individual bringing an action against a person who is not a state officer or state agency**".

Page 2, line 22, after "action" insert "**against a person who is not a state officer or state agency**".

(Reference is to SB 394 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 395, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 4-33-13-5, AS AMENDED BY P.L.2-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

- (i) a city described in IC 4-33-12-6(b)(1)(A); or
- (ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the

state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Thirty-seven and one-half percent (37.5%) shall be paid to the state general fund.

(2) Nineteen percent (19%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds ~~twenty~~ **fifteen** million dollars (~~\$20,000,000~~); **(\$15,000,000)**, the amount described in this subdivision shall be paid to the state general fund.

(3) Eight percent (8%) shall be paid to the Orange County development commission established under IC 36-7-11.5.

(4) Sixteen percent (16%) shall be paid in equal amounts to each town that is located in the county in which the riverboat is located and contains a historic hotel. The following apply to taxes received by a town under this subdivision:

(A) At least twenty-five percent (25%) of the taxes must be transferred to the school corporation in which the town is located.

(B) At least twelve and five-tenths percent (12.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, must be transferred to the Orange County development commission established by IC 36-7-11.5-3.5.

(5) Nine percent (9%) shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty-two and twenty-five hundredths percent (22.25%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of

the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Fifty-five and five-tenths percent (55.5%) shall be retained by the county in which the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(6) Five percent (5%) shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(7) Five percent (5%) shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least forty percent (40%) of the taxes received by a town under this subdivision must be transferred to the school corporation in which the town is located.

(8) Five-tenths percent (0.5%) of the taxes imposed on adjusted gross receipts received after June 30, 2010, shall be paid to the Indiana economic development corporation established by IC 5-28-3-1.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any

state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under IC 4-33-12-6); minus
- (2) the sum of:

(A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus

(B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 bears to the total amount distributed under IC 4-33-12-6 to all entities receiving a supplemental distribution.

SECTION 2. IC 36-7-11.5-11, AS AMENDED BY P.L.229-2011, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) As used in this section, "fund" refers to the West Baden Springs historic hotel preservation and maintenance fund established by subsection (b).

(b) The West Baden Springs historic hotel preservation and maintenance fund is established. The fund consists of the following:

(1) Amounts deposited in the fund under IC 4-33-6.5-6, IC 4-33-12-6(c), and IC 4-33-13-5(b).

(2) Grants and gifts that the department of natural resources receives for the fund under terms, obligations, and liabilities that the department considers appropriate.

(3) The one million dollar (\$1,000,000) initial fee paid to the gaming commission under IC 4-33-6.5.

(4) Any amount transferred to the fund upon the repeal of IC 36-7-11.5-8 (the community trust fund).

The fund shall be administered by the department of natural resources. The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

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

(e) This subsection applies only to state fiscal years beginning after June 30, 2015, and ending before July 1, 2020. One million dollars (\$1,000,000) is appropriated from the fund to the department of natural resources in each state

fiscal year beginning after June 30, 2015, and ending before July 1, 2020. The money appropriated under this subsection may be used by the department of natural resources only for the following purposes:

(1) To reimburse claims made for expenditures to maintain a qualified historic hotel, as determined by the owner of the hotel riverboat resort.

(2) To reimburse claims made for expenditures to maintain:

(A) the grounds surrounding a qualified historic hotel;

(B) supporting buildings and structures related to a qualified historic hotel; and

(C) other facilities used by the guests of the qualified historic hotel;

as determined by the owner of the hotel riverboat resort.

The department of natural resources shall promptly pay each claim for a purpose described in this subsection, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid.

(e) (f) This subsection applies only to state fiscal years beginning after June 30, 2020. The interest accruing to the fund is annually appropriated to the department of natural resources only for the following purposes:

(1) To reimburse claims made for expenditures to maintain a qualified historic hotel, as determined by the owner of the hotel riverboat resort.

(2) To reimburse claims made for expenditures to maintain:

(A) the grounds surrounding a qualified historic hotel;

(B) supporting buildings and structures related to a qualified historic hotel; and

(C) other facilities used by the guests of the qualified historic hotel;

as determined by the owner of the hotel riverboat resort.

(f) (g) This subsection applies only to state fiscal years beginning after June 30, 2020. The department of natural resources shall promptly pay each claim for a purpose described in subsection (e) (f) to the extent of the balance of interest available in the fund, without review or approval of the project or claim under IC 14-21 or IC 36-7-11. IC 14-21-1-18 does not apply to projects or claims paid for maintenance under this section. If insufficient money is available to fully pay all of the submitted claims, the department of natural resources shall pay the claims in the order in which they are received until each claim is fully paid.

(g) (h) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-18, or any other law, interest accruing to the fund may not be withheld, transferred, assigned, or reassigned to a purpose other than the reimbursement of claims under subsection (f) (g)."

Delete pages 2 through 3.

(Reference is to SB 395 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 403, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE JULY 1, 2016]".

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

"SECTION 1. IC 20-34-7-1.5, AS ADDED BY P.L.34-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. As used in this chapter, "organizing entity" means any person that:

- (1) operates:
 - (A) a recreational;
 - (B) an intramural; or
 - (C) an extracurricular;

athletic or sports program for ~~individuals who are less than twenty (20) years of age;~~ **student athletes;** and

(2) uses a facility, field, park, or other property that is owned, leased, operated, or maintained by any of the following:

- (A) The state.
- (B) A political subdivision (as defined in IC 36-1-2-13).
- (C) An agency or instrumentality of an entity described in clause (A) or (B).

SECTION 2. IC 20-34-7-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.6. As used in this chapter, "sport" refers to the following:

- (1) Baseball.
- (2) Basketball.
- (3) Cheerleading.
- (4) Cross country.
- (5) Golf.
- (6) Gymnastics.
- (7) Soccer.
- (8) Softball.
- (9) Swimming.
- (10) Tennis.
- (11) Track.
- (12) Volleyball.
- (13) Wrestling."

Page 1, line 7, delete "," and insert ".".

Page 1, delete line 8, begin a new paragraph and insert:

"SECTION 4. IC 20-34-7-2, AS ADDED BY P.L.144-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Before July 1, ~~2012~~ **2016**, the department shall disseminate guidelines, information

sheets, and forms to each school corporation for distribution to a school to inform and educate coaches, student athletes, and parents of student athletes of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury.

(b) The department:

(1) may consult with the association, medical professionals, and others with expertise in diagnosing and treating concussions and head injuries; and

(2) may request the assistance of the association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The department may disseminate the materials required under this section in an electronic format."

Page 2, line 34, delete "2015," and insert "**2016**,".

Page 2, line 34, delete "a sport for".

Page 2, line 35, delete "student athletes or".

Page 2, line 35, strike "individuals who are less than twenty" and insert "**student athletes**,".

Page 2, line 36, strike "(20) years of age,".

Page 2, line 36, after "head" reset in roman "football".

Page 2, line 36, after "assistant" reset in roman "football".

Page 3, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 9. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) **Beginning July 1, 2016, prior to coaching a sport for student athletes, each head coach and any assistant coach shall complete a certified coaching education course that:**

- (1) **contains player safety content on concussion awareness;**
- (2) **requires a coach or assistant coach to complete a test demonstrating comprehension of the content of the course; and**
- (3) **awards a certificate of completion to a coach or assistant coach who successfully completes the course.**

(b) **For a coach's or assistant coach's completion of a course to satisfy the requirements imposed by subsection (a), the course must have been approved by the department.**

(c) **A coach and assistant coach shall complete a course not less than once during a two (2) year period. However, if the coach or assistant coach receives notice from the organizing entity that new information has been added to the course before the end of the two (2) year period, the coach or assistant coach shall:**

- (1) **complete instruction; and**
- (2) **successfully complete a test;**

concerning the new information to satisfy the requirements of this section.

(d) **An organizing entity shall maintain a file of certificates of completion awarded under subsection (a)(3) to any of the organizing entity's head coaches and assistant coaches.**

(e) **A coach or assistant coach who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by an athlete participating in an athletic activity in which the coach or**

assistant coach provided coaching services, except for an act or omission by the coach or assistant coach that constitutes gross negligence or willful or wanton misconduct."

Page 3, line 30, after "IC 20-34-7-6" insert "**and IC 20-34-7-7**".

Renumber all SECTIONS consecutively.

(Reference is to SB 403 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill 413, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 35, delete "section 1 of".

(Reference is to SB 413 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 438, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 9 with "[EFFECTIVE JANUARY 1, 2016]".

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) No agency, except as provided in this chapter, shall have any right to name, appoint, employ, or hire any attorney or special or general counsel to represent it or perform any legal service in behalf of such agency and the state without the written consent of the attorney general.

(b) An attorney hired or employed by an agency as outside counsel or to provide in-house legal advice is subject to IC 34-46-3-1 and Trial Rule 26(B) of the Indiana Rules of Trial Procedure, commonly referred to as the attorney-client and work product privileges, if the requirements to assert the protection and privilege have been satisfied."

Page 2, delete lines 1 through 27.

Page 3, line 25, delete "sixty (60)" and insert "**ninety (90)**".

Page 8, line 11, after "another's" insert "**patent, model, process, or product for the purpose of investigating or evaluating the value of a potential investment.**"

Page 8, delete lines 12 through 13.

Page 8, delete lines 16 through 17.

Page 8, line 42, delete "an activity is devoted to" and insert "**a research and development activity is devoted to experimental**

or laboratory research and development if the activity is considered essential and integral to experimental or laboratory research. The term does not include activities incidental to experimental or laboratory research and development."

Page 9, delete lines 1 through 30.

Page 20, line 21, reset in roman "as it existed before being amended by".

Page 20, reset in roman line 22.

Page 20, line 23, reset in roman "Creation Act of 2010 (P.L. 111-312)".

Page 20, line 28, after "Code" delete ".".

Page 20, line 28, reset in roman "as it existed before".

Page 20, reset in roman lines 29 through 30.

Page 21, delete lines 7 through 12.

Page 22, delete lines 30 through 42.

Delete page 23.

Page 24, delete lines 1 through 28, begin a new paragraph and insert:

"SECTION 25. IC 6-7-1-17, AS AMENDED BY P.L.131-2008, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) Distributors who hold certificates and retailers shall be agents of the state in the collection of the taxes imposed by this chapter and the amount of the tax levied, assessed, and imposed by this chapter on cigarettes sold, exchanged, bartered, furnished, given away, or otherwise disposed of by distributors or to retailers. Distributors who hold certificates shall be agents of the department to affix the required stamps and shall be entitled to purchase the stamps from the department at a discount of one and two-tenths cents (\$0.012) per individual package of cigarettes as compensation for their labor and expense.

(b) The department may permit distributors who hold certificates and who are admitted to do business in Indiana to pay for revenue stamps within thirty (30) days after the date of purchase. However, the privilege is extended upon the express condition that:

(1) except as provided in subsection (c), a bond or letter of credit satisfactory to the department, in an amount not less than the sales price of the stamps, is filed with the department;

(2) proof of payment is made of all property taxes, excise taxes, and listed taxes (as defined in IC 6-8.1-1-1) for which any such distributor may be liable; and

(3) payment for the revenue stamps must be made by electronic funds transfer (as defined in IC 4-8.1-2-7).

The bond or letter of credit, conditioned to secure payment for the stamps, shall be executed by the distributor as principal and by a corporation duly authorized to engage in business as a surety company or financial institution in Indiana.

(c) If a distributor has at least five (5) consecutive years of good credit standing with the state, the distributor shall not be required to post a bond or letter of credit under subsection (b).

(d) A revenue stamp purchased by a distributor under this section remains the property of the state of Indiana, with a value equivalent to the stamp's face value, until payment has been made in full, regardless of whether or not the stamp has been affixed to a package of cigarettes.

SECTION 26. IC 6-8.1-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. (a) "Fiscal officer" has the meaning set forth in IC 36-1-2-7.

(b) The department shall enter into an agreement with the fiscal officer of an entity that has adopted an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9 to furnish the fiscal officer annually with:

- (1) the name of each business collecting the taxes listed in this subsection; and
- (2) the amount of money collected from each business.

(c) The agreement must provide that the department must provide the information in an electronic format that the fiscal officer can use, as well as a paper copy.

(d) The agreement must include a provision that, unless in accordance with a judicial order, the fiscal officer, employees of the fiscal officer, former employees of the fiscal officer, counsel of the fiscal officer, agents of the fiscal officer, or any other person may not divulge the names of the businesses, the amount of taxes paid by the businesses, or any other information disclosed to the fiscal officer by the department.

(e) The department shall also enter into an agreement with the fiscal officer of a capital improvement board of managers:

- (1) created under IC 36-10-8 or IC 36-10-9; and**
- (2) that is responsible for expenditure of funds from:**
 - (A) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;**
 - (B) the supplemental auto rental excise tax under IC 6-6-9.7; or**
 - (C) the state gross retail taxes allocated to a professional sports development area fund, a sports and convention facilities operating fund, or other fund under IC 36-7-31 or IC 36-7-31.3;**

to furnish the fiscal officer annually with the name of each business collecting the taxes listed in this subsection, and the amount of money collected from each business. An agreement with a fiscal officer under this subsection must include a nondisclosure provision the same as is required for a fiscal officer under subsection (d).

SECTION 27. IC 6-8.1-3-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) **The fiscal officer of a municipality in which a food and beverage tax is imposed and collected under an ordinance adopted by a fiscal body of a county under IC 6-9 may request from the department a statement of the percentage amount of the food and beverage tax collected annually within the municipality.**

(b) The statement of the percentage amount of the food and beverage tax collected in a municipality under this section must be expressed as a percentage equal to:

- (1) the dollar amount of food and beverage tax imposed and collected annually within a municipality under an ordinance adopted by a fiscal body of the county under IC 6-9; divided by**
- (2) the total dollar amount of food and beverage tax collected annually in all areas of the county in which the food and beverage tax is imposed and collected under an ordinance adopted by the fiscal body of the**

county under IC 6-9.

(c) Notwithstanding IC 5-14-3-4, IC 6-8.1-7-1(a), and any other law exempting information from disclosure, the information contained in a statement requested under this section may be:

- (1) divulged by the department to a fiscal officer of a municipality; and**
- (2) publicly disclosed by the fiscal officer of a municipality to which a statement is furnished."**

Page 26, between lines 32 and 33, begin a new line blocked left and insert:

"The ninety (90) day period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must specify a date upon which the extension will terminate and a statement that the person agrees to preserve the person's records until that specified termination date. The specified termination date agreed upon under this subsection may not be more than ninety (90) days after the expiration of the period otherwise specified by this subsection."

Page 26, line 33, reset in roman "hear an appeal".

Page 26, line 33, delete "review legal conclusions set".

Page 26, line 34, delete "forth in a final decision issued".

Page 26, line 35, delete "The tax court shall grant deference to the".

Page 26, delete line 36.

Page 26, line 37, delete "that the department is responsible for enforcing."

Delete page 29.

Page 30, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 31. IC 6-8.1-7-1, AS AMENDED BY P.L.2-2014, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) a member of the general assembly or an employee of the house of representatives or the senate when acting on behalf of a taxpayer located in the member's legislative district who has provided sufficient information to the member or employee for the department to determine that the member or employee is acting on behalf of the taxpayer;
- (4) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(5) any authorized officers of the United States; when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family resources, and to any director of a county office of the division of family resources located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to a postsecondary educational institution may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved postsecondary educational institutions (as defined by IC 21-7-13-6(a)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information; and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The information described in subsection (a) may be revealed upon the receipt of a written request from the chief law enforcement officer of a state or local law enforcement agency in Indiana when it is agreed that the information is to be

confidential and to be used solely for official purposes.

(h) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(k) may be released solely for tax collection purposes to township assessors and county assessors.

(i) The department shall notify the appropriate ~~innkeepers'~~ **innkeeper's** tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(j) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(m) All information relating to the delinquency or evasion of the excise taxes imposed on recreational vehicles and truck campers that are payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.1.

(n) This section does not apply to:

(1) the beer excise tax, including brand and packaged type (IC 7.1-4-2);

(2) the liquor excise tax (IC 7.1-4-3);

(3) the wine excise tax (IC 7.1-4-4);

(4) the hard cider excise tax (IC 7.1-4-4.5);

(5) the malt excise tax (IC 7.1-4-5);

(6) the motor vehicle excise tax (IC 6-6-5);

(7) the commercial vehicle excise tax (IC 6-6-5.5); and

(8) the fees under IC 13-23.

(o) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

(p) The name and business address of a person licensed by the department under IC 6-6 or IC 6-7 may be released for the purpose of reporting the status of the person's license.

(q) The department may release information concerning total incremental tax amounts under:

(1) IC 5-28-26;

(2) IC 36-7-13;

(3) IC 36-7-26;

(4) IC 36-7-27;

(5) IC 36-7-31;

(6) IC 36-7-31.3; or

(7) any other statute providing for the calculation of incremental state taxes that will be distributed to or retained by a political subdivision or other entity; to the fiscal officer of the political subdivision or other entity that established the district or area from which the incremental taxes were received if that fiscal officer enters into an agreement with the department specifying that the political subdivision or other entity will use the information solely for official purposes.

(r) The department may release the information as required in IC 6-8.1-3-7.1 concerning:

- (1) an innkeeper's tax, a food and beverage tax, or an admissions tax under IC 6-9;**
- (2) the supplemental auto rental excise tax under IC 6-6-9.7; and**
- (3) the covered taxes allocated to a professional sports development area fund, sports and convention facilities operating fund, or other fund under IC 36-7-31 and IC 36-7-31.3.**

(s) The department may release information as required in IC 6-8.1-3-7.2(b) concerning the percentage amount of food and beverage tax collected within a municipality."

Page 31, line 32, delete "If" and insert "Subject to subsections (p) and (q), if".

Page 33, between lines 7 and 8, begin a new paragraph and insert:

"(p) The department shall adopt rules to define the circumstances under which a release and expungement may be granted based on a finding that the release and expungement would be in the best interest of the state. The rules may allow the commissioner to expunge a tax warrant in other circumstances not inconsistent with subsection (q) that the commissioner determines are appropriate. Any releases or expungements granted by the commissioner must be consistent with these rules.

(q) The commissioner may expunge a tax warrant in the following circumstances:

- (1) If the taxpayer has timely and fully filed and paid all of the taxpayer's state taxes, or has otherwise resolved any outstanding state tax issues, for the preceding five (5) years.**
- (2) If the warrant was issued more than ten (10) years prior to the expungement.**
- (3) If the warrant is not subject to pending litigation.**
- (4) Other circumstances not inconsistent with subdivisions (1) through (3) that are specified in the rules adopted under subsection (p).**

(r) Notwithstanding any other provision in this section, the commissioner may decline to release a judgment or expunge a warrant upon a finding that the warrant was issued based on the taxpayer's fraudulent, intentional, or reckless conduct.

(s) The rules required under subsection (p) shall specify the process for requesting that the commissioner release and expunge a tax warrant."

Page 33, line 29, delete "The".

Page 33, delete line 30.

Page 33, line 36, delete "The burden of proving that the decision on the claim is".

Page 33, delete line 37.

Page 34, line 10, after "(d)" insert "(c)".

Page 34, line 10, reset in roman "The tax court shall hear the appeal de novo and without a jury,".

Page 34, reset in roman lines 11 through 16.

Page 34, line 17, delete "(c)" and insert "(d)".

Page 34, line 25, delete "(d)" and insert "(e)".

Page 34, line 27, delete "(e)" and insert "(f)".

Page 34, line 37, delete "(f)" and insert "(g)".

Page 35, line 3, delete "(g)" and insert "(h)".

Page 35, line 10, delete "(f)" and insert "(g)".

Page 35, line 13, delete "(f)" and insert "(g)".

Page 35, delete lines 15 through 24, begin a new line blocked left and insert:

"The ninety (90) day period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must specify a date upon which the extension will terminate and a statement that the person agrees to preserve the person's records until that specified termination date. The specified termination date agreed upon under this subsection may not be more than ninety (90) days after the expiration of the period otherwise specified by this subsection."

Page 39, delete lines 2 through 42.

Delete page 40.

Page 41, delete lines 1 through 7.

Page 41, line 23, delete "qualifies as an insurance" and insert "is:

(A) owned or controlled by:

(i) an Indiana body politic; or

(ii) a state educational institution (as defined by IC 21-7-13-32); or

(B) a company with a Section 831(b) of the Internal Revenue Code election in effect."

Page 41, delete line 24.

Page 42, delete lines 14 through 42.

Page 43, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 39. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of state revenue.

(b) The department shall, not later than November 1, 2015:

(1) conduct a study of the department's current information systems;

(2) develop a plan for modernizing the department's information systems; and

(3) submit a report of the study conducted under subdivision (1) and the plan developed under subdivision (2) to the budget committee and the legislative council.

(c) The report submitted to the legislative council must be in an electronic format under IC 5-14-6.

(d) This SECTION expires January 1, 2017.

SECTION 40. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 438 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 441, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 12, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 10. IC 6-2.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 2. (a) Transactions involving agricultural machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for ~~his~~ **the person's** direct use in the direct production, extraction, harvesting, or processing of agricultural commodities **(including timber harvesting), and including equipment purchased for the purpose of transporting materials into such activities from an onsite location.**

(b) Transactions involving agricultural machinery or equipment are exempt from the state gross retail tax if:

(1) the person acquiring the property acquires it for use in conjunction with the production of food and food ingredients or commodities for sale;

(2) the person acquiring the property is occupationally engaged in the production of food or commodities which ~~he~~ **the person** sells for human or animal consumption or uses for further food and food ingredients or commodity production; and

(3) the machinery or equipment is designed for use in gathering, moving, or spreading animal waste.

SECTION 11. IC 6-2.5-5-3, AS AMENDED BY P.L.211-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 3. (a) For purposes of this section:

(1) the retreading of tires shall be treated as the processing of tangible personal property; and

(2) commercial printing shall be treated as the production and manufacture of tangible personal property.

(b) Except as provided in subsection (c), transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, **including equipment purchased for the purpose of transporting materials into such activities from an onsite location.**

(c) The exemption provided in subsection (b) does not apply to transactions involving distribution equipment or transmission equipment acquired by a public utility engaged in generating electricity.

SECTION 12. IC 6-2.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 4.

Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for ~~his~~ **the person's** direct use in the direct production of the machinery, tools, or equipment described in section 2 or 3 of this chapter, **including equipment purchased for the purpose of transporting materials into such activities from an onsite location.**"

Delete pages 13 through 19.

Page 20, delete lines 1 through 38.

Page 35, after line 42, begin a new paragraph and insert:

"SECTION 23. IC 6-3-2-3.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 3.7. (a) Each taxable year, an individual **or the individual's surviving spouse** is entitled to an adjusted gross income tax deduction equal to the remainder of:

(1) the:

(A) first ~~two~~ **eight** thousand dollars (~~\$2,000~~) (**\$8,000**), **for taxable years beginning after December 31, 2014, and before January 1, 2016; and**

(B) first sixteen thousand dollars (**\$16,000**), **for taxable years beginning after December 31, 2015;**

which is received by the individual **or the individual's surviving spouse** during the taxable year from a federal civil service annuity, and which is included in adjusted gross income under Section 62 of the Internal Revenue Code; minus

(2) the total amount of Social Security benefits and railroad retirement benefits received by the individual **or the individual's surviving spouse** during the taxable year.

(b) However, The individual is only entitled to the deduction provided by this section if the individual is at least sixty-two (62) years of age before the end of the taxable year. **This subsection does not apply to the individual's surviving spouse."**

Page 44, delete lines 34 through 42.

Page 45, delete lines 1 through 31.

Page 46, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 36. IC 6-3.1-24-9, AS AMENDED BY P.L.288-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The total amount of tax credits that may be approved by the corporation under this chapter in a particular calendar year for qualified investment capital provided during that calendar year may not exceed twelve million five hundred thousand dollars (\$12,500,000). An amount of an unused credit carried over by a taxpayer from a previous calendar year may not be considered in determining the amount of proposed investments that the Indiana economic development corporation may certify under this chapter.

(b) Notwithstanding the other provisions of this chapter, a taxpayer is not entitled to a credit for providing qualified investment capital to a qualified Indiana business after December 31, ~~2016~~ **2020**. However, this subsection may not be construed to prevent a taxpayer from carrying over to a taxable year beginning after December 31, ~~2016~~ **2020**, an unused tax credit attributable to an investment occurring before January 1, ~~2017~~ **2021**.

SECTION 37. IC 6-3.1-26-8.5, AS ADDED BY P.L.288-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 8.5. For purposes of this chapter, a "logistics investment" means an expenditure for one (1) or more of the following purposes:

(1) Making an improvement to real property located in Indiana that is related to constructing a new, or modernizing an existing, transportation or logistical distribution facility.

(2) Improving the transportation of goods on Indiana highways, limited to the following:

(A) Upgrading terminal facilities that serve tractors (as defined in IC 9-13-2-180) and semitrailers (as defined in IC 9-13-2-164).

(B) Improving paved access to terminal facilities.

(C) Adding new maintenance areas.

(D) Purchasing new shop equipment having a useful life of at least five (5) years, such as diagnostic equipment, oil delivery systems, air compressors, and truck lifts.

(3) Improving the transportation of goods by rail, limited to the following:

(A) Upgrading or building mainline, secondary, yard, and spur trackage.

(B) Upgrading or replacing bridges to obtain higher load bearing capability.

(C) Upgrading or replacing grade crossings to increase visibility for motorists, including improvements to roadway surfaces, signage and traffic signals, and signal system upgrades and replacements to meet Federal Railroad Administration Positive Train Control regulations.

(D) Upgrading fueling facilities, including upgrading fueling and sanding locomotives or tanks, pumps, piping, containment areas, track pans, lighting, and security.

(E) Upgrading team track facilities, including railroad owned warehouses, loading docks, and transfer stations for loading and unloading freight.

(F) Upgrading shop facilities, including upgrading structures, inspection pits, drop pits, cranes, employee fall protection, lighting, climate control, and break rooms.

(G) Upgrading or building passing lines or automated switches on a rail line.

(4) Improving the transportation of goods by water, limited to the following:

(A) Upgrading or replacing a permanent waterside dock.

(B) Upgrading or building a new terminal facility that serves waterborne transportation.

(C) Improving paved access to a waterborne terminal facility.

(D) Purchasing new equipment having a useful life of at least five (5) years, including diagnostic equipment, an oil delivery system, an air compressor, or a barge lift.

(5) Improving the transportation of goods by air, limited to the following:

(A) Upgrading or building a new cargo building, apron, hangar, warehouse facility, freight forwarding facility,

cross-dock distribution facility, or aircraft maintenance facility.

(B) Improving paved access to a terminal or cargo facility.

(C) Upgrading a fueling facility.

(6) Improving warehousing and logistical capabilities, limited to the following:

(A) Upgrading warehousing facilities, including upgrading loading dock doors and loading dock plates, fueling equipment, fueling installations, or dolly drop pads for trailers.

(B) Improving logistical distribution by purchasing new equipment, limited to the following:

(i) Picking modules (systems of racks, conveyors, and controllers).

(ii) Racking equipment.

(iii) Warehouse management systems, including scanning or coding equipment.

(iv) Security equipment.

(v) Temperature control and monitoring equipment.

(vi) Dock levelers and pallet levelers and inverters.

(vii) Conveyors and related controllers, scales, and like equipment.

(viii) Packaging equipment.

(ix) Moving, separating, sorting, and picking equipment.

A logistics investment does not include an expenditure for maintenance expenses.

SECTION 38. IC 6-3.1-26-26, AS AMENDED BY P.L.137-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) This chapter applies to taxable years beginning after December 31, 2003.

(b) Notwithstanding the other provisions of this chapter, the corporation may not approve a credit for a qualified investment made after December 31, ~~2016~~ **2020**. However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2017~~ **2021**, forward to a taxable year beginning after December 31, ~~2016~~ **2020**, in the manner provided by section 15 of this chapter."

Page 47, delete lines 1 through 3.

Page 63, delete lines 18 through 25.

Page 63, after line 38, begin a new paragraph and insert:

"SECTION 53. [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)] **(a) IC 6-3-2-3.7, as amended by this act, applies to taxable years beginning after December 31, 2014.**

(b) This SECTION expires January 1, 2018.

SECTION 54. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to SB 441 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 465, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 8. IC 12-7-2-119 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 119. "Institution for the mentally diseased"; for purposes of IC 12-15-2-9; has the meaning set forth in IC 12-15-2-9."~~

Page 16, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 21. IC 12-10-12-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 35. (a) Before September 1, 2015, the division shall meet with stakeholders, including representatives of:**

- (1) the area agencies on aging;
- (2) hospitals licensed under IC 16-21;
- (3) health facilities licensed under IC 16-28; and
- (4) other advocacy groups for the elderly;

to collaborate on the implementation of changes in the health facility preadmission screening assessment process for individuals.

(b) Before November 1, 2015, the division shall submit a written report to the general assembly in an electronic format under IC 5-14-6 on any recommendations for statutory changes to the health facility preadmission screening assessment process that were determined in any meetings held under subsection (a).

SECTION 22. IC 12-10-12-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 36. This chapter expires June 30, 2016."**

Page 23, delete lines 9 through 42.

Page 24, delete lines 1 through 19.

Page 32, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 48. IC 12-15-2-9 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 9: (a) As used in this section, "institution for the mentally diseased" includes a facility that meets the requirements and regulations under 42 U.S.C. 1396 et seq.~~

~~(b) Except as provided in subsections (c) and (d), an individual who:~~

- ~~(1) is less than twenty-one (21) years of age or at least sixty-five (65) years of age who has been found to be eligible for Medicaid under section 2, 3, 4, 5, or 6 of this chapter; and~~
- ~~(2) is a patient in an institution for the mentally diseased;~~

~~is eligible to receive Medicaid:~~

~~(c) Psychiatric services may extend until twenty-two (22) years of age or until treatment has ended, whichever occurs first:~~

~~(d) Intermediate care facility services may be provided in a mental health institution."~~

Page 33, delete lines 1 through 22, begin a new paragraph and

insert:

"SECTION 49. IC 12-15-5-1, AS AMENDED BY P.L.274-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. Except as provided in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services and supplies are provided under Medicaid:

- (1) Inpatient hospital services.
- (2) Nursing facility services.
- (3) Physician's services, including services provided under IC 25-10-1 and IC 25-22.5-1.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services.
- (9) Prescribed laboratory and x-ray services.
- (10) Prescribed drugs and pharmacist services.
- (11) Eyeglasses and prosthetic devices.
- (12) Optometric services.
- (13) Diagnostic, screening, preventive, and rehabilitative services.
- (14) Podiatric medicine services.
- (15) Hospice services.
- (16) Services or supplies recognized under Indiana law and specified under rules adopted by the office.
- (17) Family planning services except the performance of abortions.
- (18) Nonmedical nursing care given in accordance with the tenets and practices of a recognized church or religious denomination to an individual qualified for Medicaid who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the individual's church or religious denomination.
- (19) Services provided to individuals described in IC 12-15-2-8. ~~and IC 12-15-2-9.~~
- (20) Services provided under IC 12-15-34 and IC 12-15-32.
- (21) Case management services provided to individuals described in IC 12-15-2-11 and IC 12-15-2-13.
- (22) Any other type of remedial care recognized under Indiana law and specified by the United States Secretary of Health and Human Services.
- (23) Examinations required under IC 16-41-17-2(a)(10).

SECTION 50. IC 12-15-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A copayment applies to all services except the following:

- (1) Services furnished to individuals less than eighteen (18) years of age.
- (2) Services furnished to pregnant women if the services relate to the pregnancy or to any other medical condition that might complicate the pregnancy.
- (3) Services furnished to individuals who are inpatients in hospitals, nursing facilities, including intermediate care facilities for the mentally retarded, and other medical institutions.
- (4) Emergency services as defined by regulations adopted by the Secretary of the United States Department of Health

and Human Services.

~~(5) Services furnished to individuals by health maintenance organizations in which the individuals are enrolled.~~

~~(6) (5) Family planning services and supplies described in 42 U.S.C. 1396d(a)(4)(C).~~

~~(7) (6) Physical examinations to determine the need for medical services."~~

Renumber all SECTIONS consecutively.

(Reference is to SB 465 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 470, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 20-32-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 10. Growth to Proficiency Assessments

Sec. 1. Beginning in the 2016-2017 school year and each school year thereafter, an accredited nonpublic school may administer, instead of the ISTEP program under IC 20-32-5, another nationally recognized and norm referenced assessment in the same manner as a participating school as described in IC 20-51-1-6.

Sec. 2. The state board shall develop and maintain a method of reconciling the approved performance and growth assessment programs under section 1 of this chapter for purposes of measuring a school's improvement under IC 20-31-8-1 and placing the school in a category or designation of school performance under IC 20-31-8-4."

Page 1, line 13, reset in roman "is".

Page 1, line 14, reset in roman "recognized".

Page 1, line 14, delete "meets the standards adopted".

Page 2, delete lines 9 through 40.

Renumber all SECTIONS consecutively.

(Reference is to SB 470 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill 484, has had the same under consideration and begs

leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill 491, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(b) The general assembly urges the legislative council to assign to the appropriate study committee the topic of school emergency response systems for study during the 2015 interim. The topic of school emergency response systems may include the following:

(1) Minimum standards and best practices for school emergency response systems.

(2) Funding or financing sources to pay for school emergency response systems.

(c) If the legislative council assigns the topic described in subsection (b) to a study committee, the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2015.

(d) This SECTION expires January 1, 2016.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 491 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 496, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 500, has

had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 22, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 28. IC 5-14-3-2, AS AMENDED BY P.L.248-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Computer processing time" means the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request.

(c) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(d) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

- (1) the identification of; and
- (2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(e) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(f) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(g) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(h) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(i) "Inspect" includes the right to do the following:

- (1) Manually transcribe and make notes, abstracts, or memoranda.
- (2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.
- (3) In the case of public records available:

- (A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(j) "Investigatory record" means information compiled in the course of the investigation of a crime.

(k) "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

(l) "Patient" has the meaning set out in IC 16-18-2-272(d).

(m) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

(n) "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

(o) "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police

department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(~~o~~) (p) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(~~p~~) (q) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(~~q~~) (r) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(~~r~~) (s) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 29. IC 5-14-3-3, AS AMENDED BY P.L.134-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

- (1) identify with reasonable particularity the record being requested; and
- (2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the

exercise of the right stated in subsection (a). Within a reasonable time after the request is received by the agency, the public agency shall either:

- (1) provide the requested copies to the person making the request; or
- (2) allow the person to make copies:
 - (A) on the agency's equipment; or
 - (B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or may not do the following:

- (1) In accordance with a contract described in section 3.5 of this chapter, permit a person to inspect and copy through the use of enhanced access public records containing information owned by or entrusted to the public agency.
- (2) Permit a governmental entity to use an electronic device to inspect and copy public records containing information owned by or entrusted to the public agency.

(d) Except as provided in subsection (e), a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system shall make reasonable efforts to provide to a person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system. This subsection does not apply to an electronic map.

(e) A state agency may adopt a rule under IC 4-22-2, and a political subdivision may enact an ordinance, prescribing the conditions under which a person who receives information on disk or tape under subsection (d) may or may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person for these purposes. Use of information received under subsection (d) in connection with the preparation or publication of news, for nonprofit activities, or for academic research is not prohibited. A person who uses information in a manner contrary to a rule or ordinance adopted under this subsection may be prohibited by the state agency or political subdivision from obtaining a copy or any further data under subsection (d).

(f) Notwithstanding the other provisions of this section, a public agency is not required to create or provide copies of lists of names and addresses (including electronic mail account addresses) unless the public agency is required to publish such lists and disseminate them to the public under a statute. However, if a public agency has created a list of names and addresses (excluding electronic mail account addresses) it must permit a person to inspect and make memoranda abstracts from the list unless access to the list is prohibited by law. The lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to commercial entities for commercial purposes and may not be

used by commercial entities for commercial purposes. The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state educational institution or of persons involved in programs or activities conducted or supervised by the state educational institution.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
 - (A) with respect to disclosure related to a commercial purpose, prohibiting the disclosure of the list to commercial entities for commercial purposes;
 - (B) with respect to disclosure related to a commercial purpose, specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes; or
 - (C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes.

A policy adopted under subdivision (3)(A) or (3)(B) must be uniform and may not discriminate among similarly situated commercial entities. For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question.

(g) A public agency may not enter into or renew a contract or an obligation:

- (1) for the storage or copying of public records; or
- (2) that requires the public to obtain a license or pay copyright royalties for obtaining the right to inspect and copy the records unless otherwise provided by applicable statute;

if the contract, obligation, license, or copyright unreasonably impairs the right of the public to inspect and copy the agency's public records.

(h) If this section conflicts with IC 3-7, the provisions of IC 3-7 apply.

(i) This subsection applies to a public record that is in an electronic format. This subsection does not apply to a public record recorded in the office of the county recorder. The public agency shall provide an electronic copy or a paper copy, at the option of the person making the request for a public record. This subsection does not require a public agency to change the format of a public record.

SECTION 30. IC 5-14-3-8, AS AMENDED BY P.L. 16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter **for the following:**

- (1) **For a person** to inspect a public record. ~~or~~
- (2) **For a person to search for a public record.**
- (3) **For the public agency to search for a public record, if the search does not exceed two (2) hours.**
- ~~(4) For the public agency to search for, examine or review a record to determine whether the record may be disclosed.~~
- (5) **For the public agency to transmit an electronic copy of a public record by electronic mail. However, a public agency may charge a fee for a public record transmitted by electronic mail if the fee for the public record is authorized under:**
 - (A) **subsection (f) or (j); or**
 - (B) **section 6(c) of this chapter.**

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars (\$5) per document. The fee for copying documents may not exceed the greater of:

- (1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or
- (2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

- (1) a person is entitled to a copy of a public record under this chapter; and
- (2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for **search and** copying costs be made in advance.

(f) Notwithstanding subsection ~~(b)~~; **(b)(1), (b)(2), (b)(3)**, (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court. **Notwithstanding subsection (b)(4), a public agency shall collect any**

certification or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

- (1) The agency's direct cost of supplying the information in that form.
- (2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.
- (3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

(l) This subsection applies to a public agency that charges a fee for the public agency to search for a public record. A public agency may not charge a fee for the first two (2) hours required to search for a public record. A public agency may charge a search fee for any time that exceeds two (2) hours. If the public agency charges a search fee, the agency shall charge an hourly fee that does not exceed the lesser of:

- (1) the hourly rate of the person making the search; or**
- (2) twenty dollars (\$20) per hour.**

A public agency charging an hourly fee under this subsection for searching for a public record may charge only for time that the person making the search actually spends in searching for the record. A public agency may not charge for computer processing time and may not establish a minimum fee for searching for a public record. A public agency must make a good faith effort to complete a search for a public record within a reasonable time in order to minimize the amount of a search fee. The fee shall be prorated to reflect any search time of less than two (2) hours. If a fee is charged by a public agency under subsection (g), (h), (i), or (j) for a public record, the public agency may not charge a fee for searching for the record under this subsection. A search fee collected by a department, an agency, or an office of a county, city, town, or township shall be deposited in the general fund of the county, city, town, or township."

Delete pages 23 through 24.

Page 25, delete lines 1 through 23.

Page 26, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 34. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Not later than July 1, 2015, the commission shall establish uniform retention requirements for school corporations for electronic mail messages."**

Delete page 27.

Page 29, line 6, delete "A political subdivision may dispose of".

Page 29, line 6, delete "original" and insert "Original".

Page 29, line 6, reset in roman "may be".

Page 29, line 7, reset in roman "disposed of only with the approval of the commission".

Page 29, line 8, reset in roman "commission".

Page 29, line 8, delete "political subdivision".

Page 29, line 9, reset in roman "commission".

Page 29, line 9, delete "political".

Page 29, line 10, delete "subdivision".

Page 29, delete lines 13 through 42.

Delete page 30.

Page 31, delete lines 1 through 4.

Page 32, delete lines 41 through 42.

Page 33, delete lines 1 through 13.

Page 37, delete lines 37 through 42.

Page 38, delete lines 1 through 23.

Page 39, delete lines 15 through 21.

Page 40, delete lines 37 through 42.

Delete pages 41 through 44.

Page 45, delete lines 1 through 28.

Page 52, line 25, reset in roman "IC 20-28-6-3".

Page 52, line 25, after "through" insert "and".

Page 53, delete lines 15 through 42.

Page 54, delete lines 1 through 3.

Delete page 56.

Page 57, delete lines 1 through 6.

Page 59, delete lines 13 through 42.

Page 60, delete lines 1 through 23.

Page 61, between lines 11 and 12, begin a new line block indented and insert:

"(6) One (1) member who is a representative of accredited nonpublic schools who is selected by the Indiana Non-Public Education Association.

(7) One (1) member who is a representative of charter schools selected by an organization representing charter schools.

(8) One (1) member who is a teacher selected by the state superintendent."

Page 61, line 17, delete "three (3)" and insert "five (5)".

Page 62, line 34, after "collection." insert **"In addition, the committee shall review and make recommendations to the state board under subsection (d) regarding methods to streamline school safety and discipline reporting requirements as well as establishing a streamlined method to uniformly and consistently report instances of bullying throughout Indiana."**

Page 64, line 31, reset in roman "Not earlier than March 15 or later than".

Page 64, line 32, reset in roman "March 31 of each year,".

Page 64, line 32, delete "The" and insert "the".

Page 64, line 33, reset in roman "shall".

Page 64, line 33, delete "may".

Page 64, line 42, after "corporation" strike "may" and insert **"shall"**.

Page 65, line 1, strike "the" and insert **"a prominent page of a"**.

Page 65, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 78. IC 20-20-8-8, AS AMENDED BY P.L.246-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6) **and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4. The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(3) Attendance rate. **The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.**

(4) The following test scores, including the number and percentage of students meeting academic standards:

(A) ISTEP program test scores, **including end of course assessment scores.**

(B) Scores for assessments under IC 20-32-5-21, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.

(5) School's performance category or designation of school improvement assigned under IC 20-31-8.

~~(5)~~ (6) Average class size.

~~(6)~~ (7) The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Career and technical education.

(C) Special education, **including the number of special education proceedings in which a school has been found to have committed a due process violation.**

(D) High ability.

(E) Remediation.

(F) Limited English language proficiency.

(G) Students receiving free or reduced price lunch under the national school lunch program.

(H) School flex program, if offered.

~~(7)~~ (8) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors diploma program; and

(iii) the percentage of students taking the test.

~~(8)~~ (9) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Career and technical programs.

~~(9)~~ (10) The percentage of grade 8 students enrolled in algebra I.

(11) The percentage of graduates considered college and career ready in a manner prescribed by the state board.

~~(10)~~ (12) The percentage of graduates who pursue higher education.

~~(11)~~ (13) School safety, including:

(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;

(B) the number of incidents reported under IC 20-33-9; and

(C) the number of bullying incidents reported under IC 20-34-6 by category.

~~(12)~~ (14) Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.

(B) Average teacher salary.

(C) Remediation funding.

(D) Building utilization information, including the following:

(i) **The number of students that can be served by each building owned by the school corporation.**

(ii) **The number of students being served in each building owned by the school corporation.**

(iii) **The utilization percentage of each building owned by each school corporation, calculated by dividing the number under item (ii) by the number under item (i).**

(E) The annual cost of utilities for each building the school corporation owns divided by the square feet of the building.

~~(13)~~ **Technology accessibility and use of technology in instruction.**

~~(14)~~ **(15) Interdistrict and intradistrict student mobility rates, if that information is available.**

~~(15)~~ **The number and percentage of each of the following within the school corporation:**

~~(A)~~ **Teachers who are certificated employees (as defined in IC 20-29-2-4).**

~~(B)~~ **Teachers who teach the subject area for which the teacher is certified and holds a license.**

~~(C)~~ **Teachers with national board certification.**

(16) The percentage of grade 3 students reading at grade 3 level. The information must be provided disaggregated by percentage of students by race, grade, gender, socioeconomic status, and eligibility for special education.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, including the percentage of students expelled by race and the percentage of students expelled who are eligible for free or reduced price lunch.

(18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

(19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

(20) The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who dropped out of school by race or who are eligible for free or reduced price lunch.

(21) The number of out-of-school suspensions assigned, including the percentage of students suspended by race and the percentage of students expelled who are eligible for free or reduced price lunch.

(22) The number of in-school suspensions assigned, including the percentage of students who received in-school suspensions by race and the percentage of students who received in-school suspensions who are eligible for free or reduced price lunch.

~~(21)~~ **(23) The number of student work permits revoked.**

~~(22)~~ **The number of student driver's licenses revoked.**

~~(23)~~ **(24) The number of students who have not advanced to grade 10 due to a lack of completed credits.**

~~(24)~~ **(25) The number of students suspended for any reason.**

~~(25)~~ **(26) The number of students receiving an international**

baccalaureate diploma.

~~(26)~~ **Other indicators of performance as recommended by the education roundtable under IC 20-19-4."**

Delete page 66.

Page 67, delete lines 1 through 9.

Page 68, delete lines 15 through 26, begin a new paragraph and insert:

"SECTION 85. IC 20-21-1-3, AS ADDED BY P.L.1-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the **activities of actions taken** by a case conference committee **as described in IC 20-35-7-2: composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for the student.

SECTION 86. IC 20-22-1-3, AS ADDED BY P.L.1-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. "Case conference" refers to the **activities of actions taken** by a case conference committee **(as defined in IC 20-35-7-2): composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent to do any of the following:**

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for the student."

Page 101, delete lines 34 through 42.

Delete page 102.

Page 103, delete lines 1 through 3.

Page 107, delete lines 39 through 42.

Page 108, delete lines 1 through 5.

Page 111, line 11, delete "official" and insert "final".

Page 120, delete lines 16 through 30.

Page 124, line 42, after "unoccupied." insert **"Each governing body shall also report to the department the building utilization information required to be reported under IC 20-20-8-8(14)(D)."**

Page 125, line 31, reset in roman "one dollar (\$1)".

Page 125, line 31, delete "market rates".

Page 125, line 34, reset in roman "one dollar (\$1)".

Page 125, line 34, delete "market value".

Page 142, delete lines 20 through 42.

Delete page 143.

Page 144, delete lines 1 through 26.

Delete pages 150 through 151.

Page 152, delete lines 1 through 13.

Page 163, delete line 42.

Page 164, delete lines 1 through 16.

Page 165, delete lines 12 through 24.

Page 173, delete lines 24 through 42.
 Delete pages 174 through 175.
 Page 176, delete lines 1 through 33.
 Page 177, line 24, reset in roman "carefully worded by the state superintendent,".
 Page 177, line 24, delete " prescribed by the".
 Page 177, line 25, delete "governing body".
 Page 177, delete lines 29 through 42.
 Page 178, delete lines 1 through 11.
 Page 183, delete lines 24 through 37.
 Page 184, reset in roman lines 14 through 16.
 Page 184, line 17, reset in roman "(2)".
 Page 184, line 17, delete "(1)".
 Page 184, line 19, reset in roman "(3)".
 Page 184, line 19, delete "(2)".
 Page 184, line 24, reset in roman "(4)".
 Page 184, line 24, delete "(3)".
 Page 184, delete lines 32 through 42.
 Page 185, delete lines 1 through 2.
 Page 186, delete lines 38 through 42.
 Page 187, delete lines 1 through 8.
 Page 187, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 284. IC 20-28-9-22, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) A teacher may be suspended without pay only under the following procedure set forth in this section:

- (1) The teacher must be notified in writing not more than forty (40) days and not less than thirty (30) days before the date of the consideration of the date, time, and place for the consideration by the school corporation of the suspension of the teacher without pay.
- (2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.
- (3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this consideration.
- (4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request.
- (5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing.
- (6) At the hearing, the teacher is entitled:
 - (A) to a full statement of the reasons for the proposed suspension without pay; and
 - (B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay.
- (7) A teacher may not be suspended without pay until:
 - (A) the date is set for consideration of the suspension without pay;
 - (B) after a hearing is held, if a hearing is requested by the teacher; and
 - (C) except on the suspension of a superintendent's contract, the superintendent has given recommendations

on the suspension not later than five (5) days after the school corporation makes the request for recommendations:

(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board:

The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1):

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

- (A) in writing; and
- (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(b) The notice required under subsection (a) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) This subsection does not apply to the suspension of a superintendent. After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the teacher's suspension without pay.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) If, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference, the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for suspension without pay and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the teacher's suspension without pay.

(g) At the first public meeting following a private conference with:

(1) the governing body under subsection (f); or
 (2) the superintendent under subsection (b), if no conference with the governing body is requested;
 the governing body may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

(h) The time periods set out in this section shall be extended for a reasonable period:

(1) when a teacher or school official is ill or absent from the school corporation; or

(2) for other reasonable cause."

Delete page 188.

Page 189, delete lines 1 through 9.

Page 192, delete lines 25 through 42.

Page 193, delete lines 1 through 40.

Page 194, delete lines 38 through 42.

Delete pages 195 through 196.

Page 198, delete lines 29 through 41.

Page 200, delete lines 17 through 42.

Page 201, delete lines 1 through 11.

Page 201, delete lines 33 through 42.

Page 202, delete lines 1 through 41.

Page 203, delete lines 19 through 33.

Page 207, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 327. IC 20-31-5-3, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) **This section does not apply to a school that is designated with a grade of "A" through "C" under IC 20-31-8-3 in the year immediately preceding the year in which the school's initial plan is implemented.**

(b) The committee must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

(1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the plan to ensure alignment; and

(3) shall return the plan and any recommendations to the committee by April 1 of the school year before the year of implementation.

(b) (c) A committee may modify the plan to comply with recommendations made by the superintendent under subsection (a): (b).

(c) (d) A committee shall submit:

(1) the plan; and

(2) the written recommendations of the superintendent;

to the governing body by May 1 of the school year before the year of implementation.

(d) (e) An initial plan must be established by June 1 of the school year before the year of implementation by approval of the governing body. The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of approval is attached to the plan.

SECTION 328. IC 20-31-5-7, AS ADDED BY P.L.1-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The department shall act as a clearinghouse for plans and shall make effective plans available to school corporations as models to use in developing and carrying out plans."

Page 208, delete lines 1 through 37.

Page 209, line 27, delete ".".

Page 209, line 27, delete "except:" and insert "except athletics."

Page 212, line 28, after "on" delete ":" and insert "**August 1 of the school year**".

Page 212, strike lines 29 through 31.

Page 220, delete lines 28 through 42.

Delete pages 221 through 223.

Page 224, delete lines 1 through 3.

Page 224, delete lines 15 through 42.

Delete page 225.

Page 226, delete lines 1 through 36.

Page 234, delete lines 8 through 42.

Delete page 235.

Page 236, delete lines 1 through 26.

Page 237, delete line 42.

Page 238, delete lines 1 through 3.

Page 238, delete lines 18 through 25.

Page 242, line 12, after "disability." insert "**However, the duty does not abrogate the right of a parent to act under IC 20-33-2-8.**".

Page 247, delete lines 2 through 32.

Page 248, delete lines 4 through 5.

Page 250, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 420. IC 20-42.5-3-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1: The state board shall explore methods, including statewide purchases, to reduce the expense to school corporations for the purchase of the following:~~

~~(1) Curricular materials.~~

~~(2) Technology.~~

~~(3) School buses and other vehicles.~~

~~(4) Other areas of expenses as determined by the state board.~~

SECTION 421. IC 20-42.5-3-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 2: The state board, assisted by the educational service centers, the division of finance of the department, and the office of management and budget, shall survey annually the school corporations to determine actions taken by the school corporations to allocate resources to student instruction and learning. The state board shall issue an annual report of actions taken to:~~

~~(1) each school corporation;~~

~~(2) the public; and~~

~~(3) the general assembly.~~

~~The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.~~

SECTION 422. IC 20-42.5-3-3 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 3: Not later than November 1 of each year,~~

the state board, assisted by the office of management and budget and school corporation officials, shall submit a report to the state superintendent, the governor, and the general assembly concerning the following:

- (1) Consolidated purchasing arrangements used by multiple school corporations, through educational service centers, and throughout Indiana;
- (2) Shared services arrangements used by multiple school corporations, through educational service centers, and in Indiana as a whole;
- (3) The efforts of school corporations to explore cooperatives, common management, or consolidations.

The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

SECTION 423. IC 20-42.5-3-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 6: (a) Beginning with the 2007-2008 school year, each governing body shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning, in light of the unique circumstances present in the school corporation:

(b) The state board shall recognize and reward the school corporations that meet the goals described in subsection (a):

Delete pages 251 through 252.

Page 253, delete lines 1 through 26.

Page 253, delete line 42.

Delete pages 254 through 256.

Page 257, delete lines 1 through 40.

Page 263, line 42, delete "and" and insert "or".

Page 272, delete lines 18 through 42.

Page 273, delete lines 1 through 24.

Page 275, delete lines 24 through 42.

Page 276, delete lines 1 through 19.

Page 278, delete lines 5 through 42.

Delete pages 279 through 280.

Page 281, delete lines 1 through 41.

Page 285, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 472. IC 36-1-7-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4: (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;

created by state law;

(2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and

(3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;

then the approval of the attorney general is not required.

(b) If subsection (a) does not apply, an agreement under

section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved."

Page 286, delete lines 1 through 16.

Page 290, delete lines 21 through 42.

Delete page 291.

Page 292, delete lines 1 through 27.

Page 305, line 41, delete "studying:" and insert "studying the following:".

Page 306, between lines 6 and 7, begin a new line block indented and insert:

"(3) The feasibility of establishing:

(A) a definition of "bullying" that would be uniformly applied in a consistent manner by schools for reporting requirements; and

(B) methods to streamline school discipline reporting requirements for schools."

Renumber all SECTIONS consecutively.

(Reference is to SB 500 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 4.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 507, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 33-39-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. This chapter does not apply to a threatened, pending, or completed action or a proceeding that

(1) results in the criminal conviction of or

(2) is a disciplinary action or proceeding against; a prosecuting attorney."

Page 1, line 1, delete "SECTION 1. IC 34-13-3-23.5" and insert "SECTION 2. IC 33-39-9-5".

Page 1, line 3, delete "Sec. 23.5." and insert "Sec. 5.".

Page 1, delete lines 7 through 9.

Page 1, line 10, delete "(3)" and insert "(2)".

Page 1, line 13, delete "public defender or".

Page 1, line 15, delete "public defender or".

Page 1, line 16, delete "claim" and insert "charge".

Page 1, line 16, after "misconduct" delete "," and insert "in a proceeding before the Indiana attorney disciplinary commission or supreme court,".

Page 2, line 4, delete "attorney or public defender;" and insert "attorney;"

Page 2, line 6, delete "attorney or public defender." and insert "attorney."

Page 2, line 7, delete "claim" and insert "final disposition of the charge".

Page 2, line 7, after "misconduct" insert "for which the prosecuting attorney seeks reimbursement".

Page 2, line 8, delete "(including" and insert "that is not".

Page 2, line 8, delete "reprimand)" and insert "reprimand".

Page 2, line 9, delete "attorney or public defender." and insert "attorney."

Page 2, line 12, delete "attorney or" and insert "attorney."

Page 2, delete lines 13 through 27, begin a new paragraph and insert:

"SECTION 3. IC 33-40-7-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13. The state may reimburse a public defender employed in a county public defender's office established under this chapter in the same manner and under the same conditions as a prosecuting attorney may be reimbursed under IC 33-39-9-5.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 507 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 509, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 522, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 25 through 42.

Page 4, delete lines 1 through 5.

Page 4, line 24, delete "as" and insert "by mail or absentee ballot."

Page 4, delete line 25.

Renumber all SECTIONS consecutively.

(Reference is to SB 522 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 523, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 33-34-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except for a claim between landlord and tenant **or an action to collect a debt**, a case within the jurisdiction of a small claims court may be:

- (1) venued;
- (2) commenced; and
- (3) decided;

in any township small claims court within the county. However, upon a motion for change of venue filed by the defendant within ten (10) days of service of the summons, the township small claims court shall determine in accordance with subsection (b) whether required venue lies with the court or with another small claims court in the county in which the small claims court action was filed.

(b) The venue determination to be made under subsection (a) must be made in the following order:

(1) In an action upon a debt or account, venue is ~~in the township where any defendant has consented to venue in a writing signed by the defendant.~~ **determined under section 2.5 of this chapter.**

(2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.

(3) Venue is in the township (in a county of the small claims court) where the greater percentage of individual defendants included in the complaint resides, or, if there is not a greater percentage, the place where any individual named as a defendant:

- (A) resides;
- (B) owns real estate; or
- (C) rents an apartment or real estate or where the principal office or place of business of any defendant is located.

(4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims court sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in the township where the real estate is located.

(d) If a written motion challenging venue is received by the small claims court, the court shall rule whether required venue lies in the township of filing.

SECTION 2. IC 33-34-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **Except as provided in section 2.5 of this chapter**, the court has original and concurrent jurisdiction with the circuit and superior courts in

all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.

SECTION 3. IC 33-34-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) For purposes of this section, an action to collect a debt "arises" in a township if:

- (1) the defendant resides in the township; or
 - (2) the contract upon which the debt is based occurred in the township.
- (b) Only the following township small claims courts have jurisdiction to hear an action to collect a debt:
- (1) The small claims court of Franklin Township.
 - (2) The small claims court of Decatur Township.
 - (3) The small claims court of Washington Township.
- (c) The jurisdiction described in subsection (b):
- (1) applies only to an action in which the debt claimed does not exceed six thousand dollars (\$6,000); and
 - (2) is concurrent with the jurisdiction of the circuit and superior court.
- (d) Venue for an action to collect a debt is determined as follows:
- (1) If the action to collect a debt arises in:
 - (A) Pike Township;
 - (B) Washington Township; or
 - (C) Lawrence Township;
 venue is in Washington Township.
 - (2) If the action to collect a debt arises in:
 - (A) Wayne Township;
 - (B) Center Township; or
 - (C) Decatur Township;
 venue is in Decatur Township.
 - (3) If the action to collect a debt arises in:
 - (A) Perry Township;
 - (B) Warren Township; or
 - (C) Franklin Township;
 venue is in Franklin Township.
- (e) The judge of the circuit court, assisted by the judges of the small claims court, shall adopt a rotation schedule for debt collection actions to ensure that:
- (1) with respect to an action to collect a debt that is venued in Washington Township:
 - (A) one-third (1/3) of the debt collection actions are heard by the judge of the Washington Township small claims court;
 - (B) one-third (1/3) of the debt collection actions are heard by the judge of the Pike Township small claims court, sitting by designation in Washington Township; and
 - (C) one-third (1/3) of the debt collection actions are heard by the judge of the Lawrence Township small claims court, sitting by designation in Washington Township;
 - (2) with respect to an action to collect a debt that is venued in Decatur Township:
 - (A) one-third (1/3) of the debt collection actions are heard by the judge of the Decatur Township small

claims court;

(B) one-third (1/3) of the debt collection actions are heard by the judge of the Wayne Township small claims court, sitting by designation in Decatur Township; and

(C) one-third (1/3) of the debt collection actions are heard by the judge of the Center Township small claims court, sitting by designation in Decatur Township; and

(3) with respect to an action to collect a debt that is venued in Franklin Township:

(A) one-third (1/3) of the debt collection actions are heard by the judge of the Franklin Township small claims court;

(B) one-third (1/3) of the debt collection actions are heard by the judge of the Warren Township small claims court, sitting by designation in Franklin Township; and

(C) one-third (1/3) of the debt collection actions are heard by the judge of the Perry Township small claims court, sitting by designation in Franklin Township.

SECTION 4. IC 33-34-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The small claims court has no jurisdiction:

- (1) in actions seeking injunctive relief or involving partition of real estate;
- (2) in actions to declare or enforce any lien except as provided in section 14 of this chapter;
- (3) in actions in which the appointment of a receiver is asked; or
- (4) in suits for dissolution or annulment of marriage.

(b) The small claims courts of:

- (1) Pike Township;
- (2) Lawrence Township;
- (3) Wayne Township;
- (4) Center Township;
- (5) Warren Township; and
- (6) Perry Township;

have no jurisdiction in an action to collect a debt.

SECTION 5. IC 33-34-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The judges of the small claims court may sit in place of each other and perform each other's duties:

- (1) at the direction of or with the approval of the circuit court judge; and
- (2) with the consent of the respective judges.

(b) The judges of the small claims court may sit in place of each other and perform each other's duties in an action to collect a debt in accordance with IC 33-34-3-2.5.

SECTION 5. An emergency is declared for this act.

(Reference is to SB 523 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 532, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-2-6-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) The human trafficking prevention and victim assistance fund is established for the purpose of providing funds for:**

- (1) human trafficking victim services; and**
- (2) human trafficking prevention programs provided by community based organizations.**

Money in the fund may be used only to carry out the purposes of the fund.

- (b) The fund shall be administered by the institute.**
- (c) The fund consists of:**

- (1) money deposited in the fund under IC 32-30-7-24.5;**
- (2) grants; and**
- (3) donations.**

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

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

(g) The state is subrogated to the rights of a victim to whom services are provided, to the extent of the services. The subrogation rights are against the perpetrator of the crime or a person otherwise liable for the loss. If the victim brings a civil action against the perpetrator of the crime or against the person otherwise liable for the loss, the victim shall promptly notify the institute of the filing of the civil action.

(h) In addition to the subrogation rights under subsection (g), the state is entitled to a lien in the amount of the services provided on a recovery made by or on behalf of the victim. The state may:

- (1) recover the amount of services in a separate action; or**
- (2) intervene in an action brought by or on behalf of the victim."**

Page 2, line 11, delete "(a)".

Page 2, delete lines 17 through 22, begin a new line block indented and insert:

"(1) Eighty percent (80%) of the money collected shall be deposited in the human trafficking prevention and victim assistance fund established by IC 5-2-6-25, to be used for the purposes of the fund.

(2) Twenty percent (20%) of the money collected shall be transferred to the county auditor for deposit in the county general fund. Money deposited in the county

general fund under this subdivision may only be appropriated to the prosecuting attorney to defray expenses incurred in the:

- (A) collection of the funds; and**
- (B) investigation or prosecution of human trafficking."**

Page 2, delete lines 23 through 34.

Renumber all SECTIONS consecutively.

(Reference is to SB 532 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 534, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 25-22.5-13-3, AS ADDED BY P.L.185-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3. (a) Before March 1, 2016, the: state board of pharmacy or any licensing board; commission; or agency that controls; authorizes; or oversees controlled substance registrations under IC 35-48-3**

- (1) board, concerning physician assistants;**
- (2) board of podiatric medicine, concerning podiatrists;**
- (3) state board of dentistry, concerning dentists; and**
- (4) Indiana state board of nursing, concerning advanced practice nurses;**

shall adopt rules necessary to complement the rules for prescribing opioid controlled substances for pain management treatment adopted by the medical licensing board under sections 1 and 2 of this chapter.

(b) Before December 31, 2015, each board specified in subsection (a) shall provide a report in an electronic format under IC 5-14-6 to the legislative council providing a status report on efforts to adopt the rules required by subsection (a). The status report must include:

- (1) a copy of the board's rulemaking docket required by IC 4-22-2-22.5; and**
- (2) a reasonable estimate of the timetable for action required under IC 4-22-2-22.5(d)(8)."**

Delete page 2.

(Reference is to SB 534 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred

Senate Bill 556, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 566, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "or a paraprofessional person".

Page 4, line 27, delete "The state board shall adopt college and career readiness".

Page 4, line 28, delete "educational standards."

Page 4, line 28, strike "Before July 1,".

Page 4, line 28, reset in roman "2014,".

Page 4, line 28, delete "2016,".

Page 4, line 29, delete "the initial".

Page 4, line 30, delete "that meet the requirement described in subdivision (7),".

Page 4, line 38, delete "7861." and insert "7861,".

Page 4, line 38, reset in roman "as in effect on January 1, 2014.".

Page 5, delete lines 3 through 7.

Page 5, line 18, after "(e)" insert "(c)".

Page 5, line 20, after "2013," delete "the" and insert "The".

Page 5, line 20, reset in roman "state, or the state board on".

Page 5, reset in roman lines 21 through 24.

Page 5, line 25, delete "(c)" and insert "(d)".

Page 5, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 8. IC 20-19-2-16, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The state accepts the provisions and benefits of laws enacted by the Congress of the United States that provide for aid to children with disabilities.

(b) The state board is designated as the proper authority and may accept any federal funds appropriated to aid in the education of children with disabilities. The state board shall comply with all the requirements of:

(1) federal law concerning any federal funds relating to special educational activities; and

(2) any amendments to those laws or rules and regulations issued under and in conformity with those laws and not inconsistent with this chapter.

(c) The state board is primarily responsible for assuring that applications for obtaining and renewing necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law are timely filed, the appropriate federal agencies

have the documentation and other information needed to grant the flexibility waivers, and that the applications comply with the educational policies of the state board. The superintendent of public instruction and the department, under the direction of the state board, shall carry out the work necessary to obtain and renew necessary flexibility waivers."

Page 5, line 36, after "under" insert "IC 20-19-2-14.5,".

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 10. IC 20-19-4-11, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In making recommendations under section 10 of this chapter, the roundtable shall consider

(~~1~~) a variety of available ~~national and international~~ **nationally recognized** assessments and tests. **The roundtable may not delegate to any higher authority the responsibility of recommending assessments or tests.**

(b) The roundtable may not consider or recommend any of the following:

(~~2~~) **(1)** The development of an assessment or a test unique to Indiana. ~~and~~

(~~3~~) ~~any combination of assessments or tests described under subdivisions (~~1~~) and (~~2~~).~~

(2) An assessment or test that does not assess student progress toward mastery of Indiana academic standards adopted or proposed by the state board.

(3) An assessment or a test that adopts Common Core (Common Core State Standards Initiative).

(4) An assessment or test that would prevent the state from obtaining, would terminate, or would prevent renewal of necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law.

SECTION 11. IC 20-19-4-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 12. In making recommendations under section 10 of this chapter, the roundtable shall recommend to the state board only state tests that when appropriate:~~

(~~1~~) ~~present the content of each test in an interdisciplinary manner; and~~

(~~2~~) ~~provide each student with the opportunity to meet the academic standards in an applied manner."~~

Page 11, line 22, delete "for school years ending".

Page 11, line 23, delete "before July 1, 2015,".

Page 14, line 1, delete "for school years ending before July 1, 2015,".

Page 33, line 8, delete "2016)," and insert "**2016**);".

Page 33, line 8, strike "if an alternative locally adopted".

Page 33, strike line 9.

Page 33, line 10, strike "chapter;".

Page 33, line 11, after "concerning" insert "**the BEST program.**".

Page 33, delete lines 12 through 14.

Page 38, line 25, delete "placement" and insert "**placement, dual credit,**".

Page 48, between lines 7 and 8, begin a new paragraph and insert:

"(b) After June 30, 2015, it is unlawful for a school employer to enter into any agreement that would prohibit the employer from reducing expenditures that otherwise would be required under a contract to eliminate any actual deficit in funding if the employer's:

(1) actual general fund revenue for a school year is less than the employer's revenues calculated based on the initial fall count of ADM determined for the employer under IC 20-43-4-3 for the school year; or

(2) actual employer's expenditures payable from general fund revenues exceed the employer's revenues calculated based on the initial fall count of ADM determined for the employer under IC 20-43-4-3 for the school year.

The contract may include provisions on how any deficit would be allocated to wages and salaries that are bargainable under the contract. The contract may also include provisions on how any surplus in general fund revenues would be allocated among wages and salaries bargainable under the contract."

Page 48, line 8, strike "(b)" and insert "(c)".

Page 48, line 8, after "financing" insert "**or violates subsection (b)**".

Page 49, line 36, delete "(D)", begin a new line block indented and insert:

"(12)".

Page 49, line 38, delete "(E)", begin a new line block indented and insert:

"(13)".

Page 50, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 50. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6) **or violate IC 20-29-6-3(b)**. The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

(d) Factfinding may not last longer than fifteen (15) days."

Page 50, line 40, delete "financing." and insert "financing".

Page 51, line 1, after "revenue." insert "**or prohibit the employer from making reductions described in**

IC 20-29-6-3(b)".

Page 51, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 52. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6 **or prohibit the employer from making any reductions described in section 3(b) of this chapter**. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within thirty (30) days after receipt of notice of appeal.

SECTION 53. IC 20-29-8-8, AS AMENDED BY P.L.48-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. In conducting hearings and investigations, the factfinder is not bound by IC 4-21.5. The factfinder shall, however, consider the following factors:

(1) Past memoranda of agreements and contracts between the parties.

(2) Comparisons of wages and hours of the employees involved with wages of other employees working for other public agencies and private concerns doing comparable work, giving consideration to factors peculiar to the school corporation.

(3) The public interest.

(4) The financial impact on the school corporation and whether any settlement will cause the school corporation to engage in deficit financing as described in IC 20-29-6-3 **or prohibit the school corporation from making any reductions described in IC 20-29-6-3(b)**".

Page 53, delete lines 16 through 21, begin a new paragraph and insert:

"(c) For school years beginning after June 30, 2016, the content of a nationally recognized assessment approved by the state board under IC 20-32-5.1 must align with Indiana academic standards adopted by the state board. The state board may not adopt Common Core (Common Core State Standards Initiative) or delegate to any higher authority the responsibility of setting academic standards."

Page 58, line 29, delete "and norm referenced".

Page 58, line 32, after "2." insert "(a)".

Page 58, between lines 34 and 35, begin a new paragraph and insert:

"(b) The state board shall determine the content and format of the BEST program and the tests, including assessments, used in the BEST program. The superintendent of public instruction and the department, under the direction of the state board, shall carry out the work necessary to carry out this chapter.

(c) The state board shall select tests for the BEST program

that are nationally recognized assessment tests.

(d) The content of a nationally recognized assessment test approved by the state board under this chapter must align with Indiana academic standards adopted by the state board, including standards adopted under the following:

- (1) IC 20-19-2-14.5.
- (2) IC 20-31-3.
- (3) IC 20-32-4.
- (4) The assessment program established under IC 20-31-8.

(e) The state board may not consider or adopt any of the following:

- (1) An assessment or a test that is developed for and is unique to Indiana.
- (2) An assessment or a test that adopts Common Core (Common Core State Standards Initiative) or delegates to any higher authority the responsibility of selecting tests or implementing testing.
- (3) An assessment or a test that would prevent the state from obtaining, would terminate, or prevent renewal of necessary flexibility waivers under Section 9401 of the federal Elementary and Secondary Education Act of 1965, as amended and reauthorized under the federal No Child Left Behind Act of 2001 and subsequent federal laws (20 U.S.C. 7861) and federal regulations promulgated to implement federal law.

Sec. 3. (a) Before:

- (1) selecting one (1) or more vendors or changing one (1) or more vendors to provide tests for the BEST program; or
- (2) selecting the format or changing the format for tests provided by a vendor;

the state board shall comply with the minimum procedures in this section. The state board may supplement the minimum procedures in this section by consulting citizen groups and taking other additional actions to fully consider the issues related to establishing a BEST program based on Indiana academic standards.

(b) The state board shall consider a variety of available nationally recognized assessments and tests and adopt a request for proposals that meets the requirements of this chapter. The department shall carry out the work necessary, under the direction of the state board, in preparing the request for proposals. The department shall submit the request for proposals to the roundtable for review. The state board shall consider any recommendations made by the roundtable and, if a recommendation is not adopted, specify in a writing adopted by the state board the reasons why the recommendation was not adopted.

(c) The state board shall submit the responses to the request for proposals to the roundtable for review and recommendations. After receiving the recommendations of the roundtable, the state board shall:

- (1) provisionally select a vendor and the tests to be used in the BEST program;
- (2) provisionally adopt any necessary modifications in Indiana academic standards to bring the recommended tests into alignment with Indiana academic standards;

(3) conduct at least three (3) public hearings on the provisional determinations of the state board under subdivisions (1) and (2), with one (1) public hearing at a location in northern Indiana, one (1) public hearing at a location in central Indiana, and one (1) public hearing at a location in southern Indiana;

(4) submit the determinations under subdivisions (1) and (2), as revised after the public hearings conducted under subdivision (3), to the budget committee for review; and

(5) after considering any recommendations made by the budget committee, finally select a vendor and the tests to be used in the BEST program.

(d) The state board may carry out the procedures in this section as part of a rulemaking action under IC 4-22-2 or an emergency rulemaking action under IC 4-22-2-37.1."

Page 58, line 35, delete "3." and insert "4."

Page 58, between lines 41 and 42, begin a new line blocked left and insert:

"The BEST program tests must include a reading component that is administered in grade 3."

Page 58, delete line 42.

Page 59, delete lines 1 through 8.

Page 59, delete lines 25 through 27.

Page 62, delete lines 29 through 32.

Page 64, line 21, delete "Before July 1, 2015, receiving" and insert "Receiving".

Page 64, line 34, reset in roman "(1)".

Page 64, reset in roman lines 36 through 39.

Page 65, line 2, delete "means: either:" and insert "means either:".

Page 65, line 4, after "applicable;" insert "or".

Page 65, reset in roman line 5.

Page 65, delete lines 6 through 9.

Page 65, line 12, delete "For purposes of".

Page 65, delete lines 13 through 15.

Page 66, line 20, after "effective." insert "The lead school corporation administering a cooperative or other special education program or career and technical education program, including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award performance stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program."

Page 66, line 29, after "addition," insert "an amount determined under the policies adopted by the governing body but not exceeding".

Page 66, line 35, delete "bargaining" and insert "bargaining, is payable from funds other than the performance grant,".

Page 66, line 37, delete "distribute" and insert "complete the appropriation process for".

Page 66, line 40, delete "corporation." and insert "corporation and distribute all stipends from a performance grant to individual teachers before the immediately following January 31."

Page 69, line 12, delete "and".

Page 69, line 13, delete "norm referenced".

Renumber all SECTIONS consecutively.
(Reference is to SB 566 as introduced.)
and when so amended that said bill do pass and be reassigned to
the Senate Committee on Appropriations.
Committee Vote: Yeas 7, Nays 3.

KRUSE, Chair

Report adopted.

**REPORT OF THE SENATE
COMMITTEE ON ETHICS**

Madam President: Pursuant to Senate Rule 97, the Senate
Committee on Ethics met on February 12, 2015, to render an
advisory opinion with regard to Senator Head's request that the
Committee consider whether or not he has a conflict of interest
pertaining to Senate Bill 309 which would require him to be
excused henceforth from action on this bill. The members in
attendance were: Chairman Eckerty, Senator Walker, Senator
Steele, and Senator Arnold.

The Senate Committee on Ethics has considered the facts
presented by Senator Head and hereby recommends that Senator
Head be excused henceforth from action on Senate Bill 309. The
vote of the Committee was 4-0.

ECKERTY, Chair

Report adopted.

SENATE MOTION

Madam President: I move that the following resolution be
adopted:

SR 19 Senator Waltz
Honoring Kelly Wilber

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 19

Senate Resolution 19, introduced by Senator Waltz:

A SENATE RESOLUTION honoring Southport Elementary
School teacher Kelly Wilber for her receipt of a 2014-2015
Milken Educator Award.

*Whereas, Kelly Wilber, Southport Elementary School fifth
grade teacher, won a \$25,000 Milken Educator Award on
Tuesday January 27, 2015;*

*Whereas, Indiana Superintendent of Public Instruction,
Glenda Ritz, and the President of the National Institute for
Excellence in Teaching, Dr. Gary Stark, announced Kelly's name
as one of the most recent Milken Educator Award recipients and
presented her with a \$25,000 check;*

Whereas, Established in 1987 as an initiative of the Milken

*Family Foundation, the Milken Educator Awards program
rewards and inspires excellence in the world of education by
honoring top educators around the country with \$25,000
unrestricted awards;*

*Whereas, Milken Educator Awards target early-to-mid career
education professionals for their already impressive
achievements and, more significantly, for the promise of what
they will accomplish in the future;*

*Whereas, To date, more than 2,600 awards have been given
out, totaling over \$65 million;*

*Whereas, The one-time award is just the beginning, as Milken
Educators are given access to powerful networking and
developmental tools throughout their careers in education;*

*Whereas, When combined, more than \$137 million has been
devoted to the overall program;*

*Whereas, 40 educators receive the Milken Educator Award
nation-wide each year and so far two Indiana teachers have
been named recipients; and*

*Whereas, It is fitting that the Indiana Senate give special
recognition to Kelly Wilber for her substantial contributions to
education in Indiana: Therefore,*

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

SECTION 1. That the Indiana Senate honors Kelly Wilber for
her receipt of a 2014-2015 Milken Educator Award and thanks
her for her continued commitment to Indiana education.

SECTION 2. The Secretary of the Senate is hereby directed
to transmit copies of this Resolution to Kelly Wilber and
members of the Southport Elementary School administration.

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

SENATE BILLS ON SECOND READING

Senate Bill 1

Senator Holdman called up Senate Bill 1 for second reading.
The bill was read a second time by title.

**SENATE MOTION
(Amendment 1-2)**

Madam President: I move that Senate Bill 1 be amended to
read as follows:

Page 3, line 26, delete "." and insert "**as provided in
subsection (b).**".

Page 3, line 36, delete "." and insert "**as provided in
subsection (b).**".

Page 4, line 2, delete "." and insert "**as provided in
subsection (b).**".

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

"(b) For purposes of subsection (a), an individual is considered to have professional experience in the field of education if the individual is currently employed as, or is retired from a position as:

- (1) a teacher;
- (2) a principal;
- (3) an assistant superintendent; or
- (4) a superintendent

at a school corporation."

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

Page 4, line 6, delete "(c)" and insert "(d)".

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

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

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

Page 4, line 13, delete "(e)" and insert "(f)".

(Reference is to SB 1 as printed February 11, 2015.)

HOLDMAN

Motion prevailed.

SENATE MOTION

(Amendment 1–10)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 12.

Page 2, line 15, delete "The" and insert "**Before July 1, 2015**, the".

Page 2, line 20, after "governor" delete ":" and insert "**before July 1, 2015**:".

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"(c) After June 30, 2015, the state board consists of:

- (1) the state superintendent;
- (2) one (1) member appointed by the governor;
- (3) one (1) member appointed by the speaker of the house of representatives;
- (4) one (1) member appointed by the minority floor leader of the house of representatives;
- (5) one (1) member appointed by the president pro tempore of the senate;
- (6) one (1) member appointed by the minority floor leader of the senate;
- (7) nine (9) members, with one (1) member appointed from each congressional district in Indiana by school superintendents representing each school corporation in the particular congressional district. For purposes of this subdivision, in instances where a school corporation may be included in two (2) or more congressional districts, the school corporation is considered to be in the congressional district in which the majority of the school corporation's students reside.

(d) This subsection applies to a member appointed to the state board under subsection (c)(7). The term of office of a member begins on July 1. Except as provided in this subsection, the term of office of a member is four (4) years. The appointing authority may dismiss a member for just

cause. The appointing authority may appoint a member to fill a vacancy in the same manner as the member is initially appointed and serves for the remainder of the unexpired term."

Page 2, line 34, strike "(c)" and insert "(d) This subsection expires July 1, 2015."

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"(e) This subsection applies after June 30, 2015. A quorum consists of eight (8) members of the state board. An action of the state board is not official unless the action is authorized by at least eight (8) members.

(f) Notwithstanding subsection (c)(7), a member appointed by the governor under subsection (b)(2) before July 1, 2015, shall serve the member's term described in subsection (b)(4). Upon completion of the term of a member described in subsection (b)(2), a member shall be appointed in the manner prescribed in subsection (c)(7). However, if a member appointed to the state board under subsection (b)(2) before July 1, 2015, does not complete the member's term, the vacancy shall be filled in the manner that a vacancy may be filled under subsection (d)."

Page 2, line 37, strike "(d)" and insert "(g)".

Page 2, delete lines 38 through 42.

Delete pages 3 through 4.

Page 5, delete lines 1 through 28.

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed February 11, 2015.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 139: yeas 10, nays 40. Motion failed.

SENATE MOTION

(Amendment 1–9)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 4, delete lines 6 through 12, begin a new paragraph and insert:

"(c) The state superintendent shall serve as the chairperson of the state board."

Page 4, line 13, delete "(e)" and insert "(d)".

(Reference is to SB 1 as printed February 11, 2015.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 140: yeas 10, nays 40. Motion failed.

SENATE MOTION

(Amendment 1–14)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 3, delete lines 2 through 5.

Page 3, line 6, delete "(d)" and insert "(c)".

(Reference is to SB 1 as printed February 11, 2015.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 141: yeas 10, nays 40. Motion failed.

SENATE MOTION
(Amendment 1–12)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 5, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 8. IC 20-19-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. For purposes of this chapter, an individual is considered to be affiliated with a political party only if either of the following apply:**

(1) The individual voted in the two (2) most recent primary elections held by the party with which the individual claims affiliation.

(2) If the individual did not vote in the two (2) most recent primary elections or voted in only one (1) of those elections, the individual must be certified as a member of the party with which the individual claims affiliation by that party's state chairman."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed February 11, 2015.)

BRODEN

Motion prevailed.

SENATE MOTION
(Amendment 1–3)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 4, delete lines 13 through 17, begin a new paragraph and insert:

"(e) The term of office of a member appointed under subsection (a)(2) through (a)(3) begins on July 1. The term of office of a member appointed under subsection (a)(2) through (a)(3) is four (4) years. A member may be dismissed by the member's appointing authority for just cause. The appointing authority may appoint a member to fill a vacancy in the appointments made by the appointing authority. A member appointed by an appointing authority under this subsection shall serve for the remainder of the unexpired term.

(f) This subsection expires July 1, 2020. Notwithstanding subsection (e), initial appointments must be for staggered terms that begin on July 1, 2015. Initial appointments under subsection (a)(2) through (a)(3) expire in the following manner:

(1) The initial term of two (2) members appointed under subsection (a)(2) expires on July 1, 2016.

(2) The initial term of members appointed under subsection (a)(3)(A) expires on July 1, 2017.

(3) The initial term of two (2) members appointed under subsection (a)(2), excluding members appointed under subdivision (1), expires on July 1, 2018.

(4) The initial term of members appointed under subsection (a)(3)(B) expires on July 1, 2019.

Upon the expiration of the initial terms under this subsection, a member appointed under subsection (a)(2) through (a)(3) shall be consistent with subsection (e)."

(Reference is to SB 1 as printed February 11, 2015.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 142: yeas 10, nays 40. Motion Failed.

SENATE MOTION
(Amendment 1–8)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 3, delete lines 6 through 18.

(Reference is to SB 1 as printed February 11, 2015.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 143: yeas 10, nays 40. Motion Failed.

SENATE MOTION
(Amendment 1–7)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning state administration.

Page 1, line 1, delete "IC 9-14-2-2, AS AMENDED BY P.L.107-2012," and insert "[EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to a suitable interim committee issues related to the governance of the state board of education.**

(b) This SECTION expires January 1, 2016."

Page 1, delete lines 2 through 16.

Delete pages 2 through 4.

Page 5, delete lines 1 through 35.

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed February 11, 2015.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 144: yeas 10, nays 40. Motion failed. The bill was ordered engrossed.

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

Senate Bill 55

Senator Steele called up Senate Bill 55 for second reading. The bill was re-read a second time by title.

SENATE MOTION
(Amendment 55–10)

Madam President: I move that Senate Bill 55 be amended to read as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 40.

Page 3, line 6, reset in roman "fifteen thousand dollars".
 Page 3, line 6, delete "\$15,000" and insert "\$15,000";.
 Page 3, line 6, delete "the".
 Page 3, delete lines 7 through 8.
 Page 3, line 16, reset in roman "fifteen thousand dollars (\$15,000)".
 Page 3, line 16, delete "the direct file".
 Page 3, line 17, delete "threshold amount".
 Page 3, line 23, reset in roman "fifteen thousand dollars".
 Page 3, line 24, reset in roman "\$15,000".
 Page 3, line 24, delete "the direct file threshold amount".
 Page 3, line 28, reset in roman "fifteen".
 Page 3, line 29, reset in roman "thousand dollars (\$15,000)".
 Page 3, line 29, delete "the direct file threshold amount".
 Page 3, line 37, reset in roman "fifteen thousand dollars".
 Page 3, line 37, delete "\$15,000" and insert "\$15,000".
 Page 3, line 37, delete "the direct".
 Page 3, line 38, delete "file threshold amount".
 Renumber all SECTIONS consecutively.
 (Reference is to SB 55 as reprinted February 3, 2015.)

STEELE

Upon request of Senator Steele the President ordered the roll of the Senate to be called. Roll Call 145: yeas 31, nays 18. Motion prevailed. The bill was ordered engrossed.

Senate Bill 56

Senator Steele called up Senate Bill 56 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 90

Senator Steele called up Senate Bill 90 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 133

Senator Randolph called up Senate Bill 133 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 133-1)

Madam President: I move that Senate Bill 133 be amended to read as follows:

Page 2, delete lines 5 through 14.
 Page 2, line 15, delete "Sec. 4." and insert "Sec. 3."
 (Reference is to SB 133 as printed February 6, 2015.)

WALKER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 172

Senator Bray called up Senate Bill 172 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 177

Senator Merritt called up Senate Bill 177 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 306

Senator Bray called up Senate Bill 306 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 422

Senator Grooms called up Senate Bill 422 for second reading. The bill was re-read a second time by title.

SENATE MOTION
 (Amendment 422-3)

Madam President: I move that Senate Bill 422 be amended to read as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 28.

Page 2, line 31, after "(a)" insert "**This section applies only if the legislative body of a county, city, or town has established a local court security fee.**

(b)."

Page 2, delete line 36.

Page 7, line 6, after "to the" insert "**county**".

Page 7, line 7, delete "of state".

Page 7, line 7, after "the" insert "**local**".

Page 7, line 8, delete "IC 33-37-5-33. The auditor of state shall" and insert "**IC 33-37-5-33 for deposit in the county general fund. These funds may be used only for the purposes described in IC 36-2-21-3.**"

Page 7, delete lines 9 through 11.

Page 9, line 41, delete "auditor of state" and insert "**city or town fiscal officer (as defined in IC 36-1-2-7)**".

Page 9, line 41, after "of the" insert "**local**".

Page 9, line 42, delete "IC 33-37-5-33. The auditor of state" and insert "**IC 33-37-5-33 for deposit in the city or town general fund. These funds may be used only for the purposes described in IC 36-4-14-3.**"

Page 10, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 4. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 21. Courthouse Security

Sec. 1. This chapter does not apply to a county containing a consolidated city.

Sec. 2. The legislative body of a county may adopt an ordinance establishing a two dollar (\$2) local court security fee to be collected in each action in which a person is required to pay:

(1) a criminal costs fee under IC 33-37-4-1; or

(2) a civil costs fee under IC 33-37-4-4.

Sec. 3. Proceeds from the local court security fee may be used only to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans,

procedures, and systems in and around:

- (1) courtrooms; and
- (2) buildings that contain courtrooms.

Sec. 4. (a) The legislative body of a county may adopt an ordinance to request that a redevelopment commission that has established an allocation area under IC 36-7-14 that includes any territory of the county shall provide revenue from property tax proceeds allocated to the redevelopment commission under IC 36-7-14.

(b) A redevelopment commission may provide revenue to a county under this section only if the redevelopment commission and the legislative body of the county that established the redevelopment commission adopt substantially similar resolutions agreeing to provide the revenue to the county. Such a resolution must set forth at least the following:

- (1) The boundaries of the allocation area from which the annual revenue from allocated property tax proceeds will be provided.
- (2) The annual amount of revenue that will be provided.
- (3) The first and last year that the revenue will be provided.

(c) Before the legislative body of the county or the redevelopment commission may adopt a resolution under this section to provide revenue to the county, the legislative body of the county and the redevelopment commission must hold a joint public hearing. The proper officers of the county and the redevelopment commission must publish a notice of the public hearing in accordance with IC 5-3-1. The notice must specify that the purpose of the hearing is to consider providing revenue to the county from property tax proceeds allocated to the redevelopment commission for the purposes described in subsection (d).

(d) Any revenue provided to a county under this section from property tax proceeds allocated to the redevelopment commission must be deposited in the county general fund. These funds may be used only for local court security purposes described in section 3 of this chapter.

SECTION 5. IC 36-4-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Courthouse Security

Sec. 1. This chapter does not apply to a consolidated city.

Sec. 2. The legislative body of a city or town may adopt an ordinance establishing a two dollar (\$2) local court security fee to be collected in each action in which a person is required to pay:

- (1) a criminal costs fee under IC 33-37-4-1; or
- (2) a civil costs fee under IC 33-37-4-4.

Sec. 3. Proceeds from the local court security fee may be used only to pay for the costs of installing, operating, maintaining, and upgrading security measures, plans, procedures, and systems in and around:

- (1) courtrooms; and
- (2) buildings that contain courtrooms.

Sec. 4. (a) The legislative body of a city or town may adopt an ordinance to request that a redevelopment commission

that has established an allocation area under IC 36-7-14 that includes any territory of the city or town shall provide revenue from property tax proceeds allocated to the redevelopment commission under IC 36-7-14.

(b) A redevelopment commission may provide revenue to a city or town under this section only if the redevelopment commission and the legislative body of the city or town that established the redevelopment commission adopt substantially similar resolutions agreeing to provide the revenue to the city or town. Such a resolution must set forth at least the following:

- (1) The boundaries of the allocation area from which the annual revenue from allocated property tax proceeds will be provided.
- (2) The annual amount of revenue that will be provided.
- (3) The first and last year that the revenue will be provided.

(c) Before the legislative body of the city or town, or the redevelopment commission may adopt a resolution under this section to provide revenue to the city or town, the legislative body of the city or town and the redevelopment commission must hold a joint public hearing. The proper officers of the city or town and the redevelopment commission must publish a notice of the public hearing in accordance with IC 5-3-1. The notice must specify that the purpose of the hearing is to consider providing revenue to the city or town from property tax proceeds allocated to the redevelopment commission for the purposes described in subsection (d).

(d) Any revenue provided to a county under this section from property tax proceeds allocated to the redevelopment commission must be deposited in the city or town general fund. These funds may be used only for local court security purposes described in section 3 of this chapter.

SECTION 6. IC 36-7-14-12.2, AS AMENDED BY P.L.95-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12.2. (a) The redevelopment commission may do the following:

- (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.
- (3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.
- (4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

- (A) Hazardous substances.
- (B) Petroleum.
- (C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

- (A) Hazardous substances.
- (B) Petroleum.
- (C) Other pollutants.

(7) Repair and maintain structures acquired for redevelopment purposes.

(8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

(9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of that land.

(10) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:

- (A) real property acquired or being acquired for redevelopment purposes; or
- (B) any area needing redevelopment within the jurisdiction of the commissioners.

(11) Institute or defend in the name of the unit any civil action.

(12) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

(13) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

(14) Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

(15) Prescribe the duties and regulate the compensation of employees of the department of redevelopment.

(16) Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(17) Discharge and appoint successors to employees of the department of redevelopment subject to subdivision (14).

(18) Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.

(19) Equip the offices of the department of redevelopment with the necessary furniture, furnishings, equipment, records, and supplies.

(20) Expend, on behalf of the special taxing district, all or

any part of the money of the special taxing district.

(21) Contract for the construction of:

(A) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or

(B) any structure that enhances development or economic development.

(22) Contract for the construction, extension, or improvement of pedestrian skyways.

(23) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(24) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units in a multiple unit residential structure within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.

(25) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision (24); or

(B) construct, rehabilitate, or repair commercial property within the district.

(26) Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and

(C) at an affordable rate.

(27) This subdivision does not apply to a redevelopment commission in a county for which the total amount of net property taxes allocated to all allocation areas or other tax increment financing areas established by a redevelopment commission, military base reuse authority, military base development authority, or another similar entity in the county in the preceding calendar year exceeded nineteen percent (19%) of the total net property taxes billed in the county in the preceding calendar year. Subject to prior approval by the fiscal body of the unit that established the redevelopment commission, expend money and provide financial assistance (including grants and loans):

(A) in direct support of:

(i) an active military base located within the unit; or

(ii) an entity located in the territory or facilities of a military base or former military base within the unit that is scheduled for closing or is completely or partially inactive or closed, or an entity that is located in any territory or facilities of the United States

Department of Defense within the unit that are scheduled for closing or are completely or partially inactive or closed;

including direct support for the promotion of the active military base or entity, the growth of the active military base or entity, and activities at the active military base or entity; and

(B) in support of any other entity that provides services or direct support to an active military base or entity described in clause (A).

The fiscal body of the unit that established the redevelopment commission must separately approve each grant, loan, or other expenditure for financial assistance under this subdivision. The terms of any loan that is made under this subdivision may be changed only if the change is approved by the fiscal body of the unit that established the redevelopment commission. As used in this subdivision, "active military base" has the meaning set forth in IC 36-1-4-20.

(28) Provide revenue to:

(A) a county as specified in a resolution adopted under IC 36-2-21-4; or

(B) a city or town as specified in a resolution adopted under IC 36-4-14-4;

from property tax proceeds allocated under section 39 of this chapter.

(b) Conditions imposed by the commission under subsection (a)(26) remain in force throughout the period determined under subsection (a)(26)(A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(c) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(d) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes under IC 36-7-14.5. However, if a power pertains to issuing bonds or incurring an obligation, the exercise of the power must first be specifically approved by the fiscal or legislative body of the unit, whichever applies.

(e) A commission may not exercise the power of eminent domain.

SECTION 7. IC 36-7-14-39, AS AMENDED BY P.L.95-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution

is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the

allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption

before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

(N) Provide revenue for local court security to:

(i) a county as specified in a resolution adopted under IC 36-2-21-4; or

(ii) a city or town as specified in a resolution adopted under IC 36-4-14-4.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described

in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

(1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;

(2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and

(3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline."

Renumber all SECTIONS consecutively.

(Reference is to SB 422 as reprinted February 3, 2015.)

GROOMS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 564

Senator Zakas called up Senate Bill 564 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 434, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 23 through 42.

Delete page 3.

Page 4, delete line 1.

Page 4, delete lines 29 through 42.

Page 5, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to SB 434 as printed February 6, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 313

Senator Head called up Engrossed Senate Bill 313 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 146: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Kirchofer.

Engrossed Senate Bill 316

Senator Smith called up Engrossed Senate Bill 316 for third reading:

A BILL FOR AN ACT concerning local government.

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

Roll Call 147: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Rhoads.

Engrossed Senate Bill 379

Senator Stoops called up Engrossed Senate Bill 379 for third reading:

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

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

Roll Call 148: yeas 41, nays 9. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ubelhor and Pierce.

Engrossed Senate Bill 382

Senator Hershman called up Engrossed Senate Bill 382 for third reading:

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning local government.

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

Roll Call 149: yeas 49, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Soliday and Karickhoff.

Engrossed Senate Bill 398

Senator Bassler called up Engrossed Senate Bill 398 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 150: yeas 38, nays 11. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ubelhor and Zent.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1264, 1300, and 1483 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1065, 1139, 1164, 1186, 1281, 1360, 1373, 1394, 1417, 1435, 1448, 1449, and 1495 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 14 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Merritt be added as third author of Senate Bill 380.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 549.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 379.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Brown be added as coauthor of Engrossed Senate Bill 415.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 373.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as third author of Senate Bill 547.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 497.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second author of Senate Bill 470.

SCHNEIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 532.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 129.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 534.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 463.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 289.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second author and Senator Becker be added as third author of Senate Bill 543.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux, Broden, and Randolph be added as coauthors of Senate Bill 322.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as coauthor of Senate Bill 522.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 484.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Breaux be added as third author of Senate Bill 526.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as first author and Senator Hershman be substituted therefor of Senate Joint Resolution 19.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Joint Resolution 19.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Resolution 3.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author, Senator Broden be added as third author, and Senator Randolph be added as coauthor of Senate Bill 394.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author, Senator Arnold be added as third author, and Senator Randolph be added as coauthor of Senate Bill 296.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 564.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Boots be added as second author of Senate Bill 133.

RANDOLPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niemeyer be added as coauthor of Engrossed Senate Bill 422.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker and Messmer be added as coauthors of Senate Bill 98.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as third author of Engrossed Senate Bill 398.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 72.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 472.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author of Senate Bill 496.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 320.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as coauthor of Senate Bill 296.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as first author and Senator Zakas be substituted therefor of Senate Bill 71.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as first author and Senator Holdman be substituted therefor of Senate Joint Resolution 18.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 16, 2015.

HERSHMAN

Motion prevailed.

The Senate adjourned at 4:09 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate