



# Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Twenty-fifth Day

Thursday Morning

February 27, 2014

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

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Terri Jo Austin.

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

Arnold	Kubacki
Austin	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Battles	Lucas
Bauer <input type="checkbox"/>	Lutz
Behning	Macer
Beumer	Mahan
Braun <input type="checkbox"/>	Mayfield
C. Brown	McMillan <input type="checkbox"/>
T. Brown	McNamara
Burton <input type="checkbox"/>	Messmer
Candelaria Reardon	Moed
Carbaugh <input type="checkbox"/>	Morris
Cherry	Morrison
Clere	Moseley
Cox	Neese
Culver	Negele <input type="checkbox"/>
Davisson	Niemeyer <input type="checkbox"/>
DeLaney	Niezgodski
Dermody	Ober
DeVon	Pelath
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Errington	Price
Forestal	Pryor
Friend	Rhoads
Frizzell	Richardson
Frye	Riecken
GiaQuinta	Saunders
Goodin	Shackleford
Gutwein	Slager
Hale <input type="checkbox"/>	Smaltz
Hamm	M. Smith
Harman	V. Smith <input type="checkbox"/>
Harris	Soliday
Heaton	Speedy
Heuer	Stemler
Huston	Steuerwald <input type="checkbox"/>
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer <input type="checkbox"/>	Thompson
Klinker	Torr
Koch	Truitt

Turner  
Ubelhor   
VanDenburgh  
VanNatter  
Washburne

Wesco  
Wolkins  
Zent  
Ziemke  
Mr. Speaker

Roll Call 310: 87 present; 13 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Resolution 15

Representatives Ubelhor and Davisson introduced House Resolution 15:

A HOUSE RESOLUTION recognizing the accomplishments of Mckenzie Radcliff.

*Whereas, Mckenzie Radcliff has demonstrated an outstanding ability to read at a very early age;*

*Whereas, The first five-year-old to complete the "1000 Books Before Kindergarten" program at the Mitchell Community Public Library, Mckenzie finished the program in just three months before starting Hatfield Elementary School;*

*Whereas, Mckenzie is an avid reader who enjoys books about Jesus and animals;*

*Whereas, Her favorite animals are horses and cats, and she has a pony named Brownie, a horse named Angel, two cows named Fred and Barney, and a cat named Lizzy;*

*Whereas, Keenly aware of the value of money, Mckenzie saved up \$100 to purchase her own Saint Bernard, which she named Gypsy Butterfly;*

*Whereas, Needless to say, Mckenzie's favorite class is reading; and*

*Whereas, Outstanding accomplishments such as this deserves very special recognition: Therefore,*

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

SECTION 1. That the Indiana House of Representatives congratulates Mckenzie Radcliff for completing the reading program in just three months and encourages her to continue to make education her priority.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Mckenzie Radcliff and her family.

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

### House Resolution 43

Representatives Turner and Bosma introduced House Resolution 43:

A HOUSE RESOLUTION recognizing the Indianapolis International Airport.

*Whereas, Indianapolis International Airport has been recognized as the best airport in North America by Airports Council International (ACI) for the second consecutive year and the third time overall;*

*Whereas, Indianapolis International Airport was named the best airport in North America for 2012 and 2010 and has been ranked in the top three airports in North America every year since;*

*Whereas, The award is given by ACI as part of the prestigious annual Airport Service Quality Awards for performance excellence;*

*Whereas, Since the creation of the Airport Service Quality Awards in 2006, they have become the world's leading airport passenger satisfaction benchmark, with more than 280 airports participating;*

*Whereas, The Airport Service Quality Awards recognize and reward the best airports in the world based on the ACI's airport service quality passenger satisfaction survey and represent an opportunity to recognize the commitment of the airports worldwide to continually improve the passenger experience;*

*Whereas, Indianapolis International Airport has an economic impact on Central Indiana of about \$4.5 billion annually and employs about 10,000 people each day;*

*Whereas, Indianapolis International Airport serves more than 7 million business and pleasure travelers each year and averages 138 daily flights to 34 nonstop destinations;*

*Whereas, In addition to the passenger flights, Indianapolis International Airport is home to the world's second-largest FedEx Express operation and the nation's eighth-largest cargo facility; and*

*Whereas, Indianapolis International Airport is committed to becoming the airport system of choice for both passenger and cargo service: Therefore,*

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

SECTION 1. That the Indiana House of Representatives recognizes the accomplishments of Indianapolis International Airport and their value to the economy of Central Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Indianapolis Airport Authority.

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

#### **House Resolution 47**

Representative Turner introduced House Resolution 47:

A HOUSE RESOLUTION recognizing Taylor University as the number one ranked Midwest University.

*Whereas, Taylor University has been named the number one ranked Midwest University in the category Best Regional Colleges in the newly-released 2014 U.S. News & World Report survey, America's Best Colleges for the seventh straight year;*

*Whereas, This ranking also marks the 17th consecutive year Taylor University has been listed as one of the region's top three universities;*

*Whereas, Taylor University also ranked first in peer assessment score, freshman retention rate, graduation rate, and ability to attract freshmen from the top 25 percent of their high school class;*

*Whereas, Taylor University has also received high rankings from other respected publications including Forbes, Princeton Review, Washington Monthly, and Open Doors; and*

*Whereas, A member of the Council for Christian Colleges and Universities, Taylor University is a shining example of the fine independent colleges in the state of Indiana: Therefore,*

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

SECTION 1. That the Indiana House of Representatives congratulates Taylor University on being named the number one ranked Midwest University in the category Best Regional Colleges.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Taylor University President Dr. Gene B. Habecker.

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

#### **House Resolution 48**

Representative Burton introduced House Resolution 48:

A HOUSE RESOLUTION urging the legislative council to assign the topic of homeowners associations to the appropriate committee.

*Whereas, A homeowners association is "an organization of property owners that administers the rules and upholds the covenants of a subdivision, development, or condominium complex";*

*Whereas, The homeowners association's rules affect and limit what homeowners can do to a property in the community; these rules and covenants are enforced by the homeowners association's homeowner-elected or developer-appointed board of directors;*

*Whereas, In the 1960s, about 500 homeowners associations existed in the United States;*

*Whereas, These organizations have been increasing steadily in popularity since that time;*

*Whereas, In 2010, the Community Associations Institute estimated that about 62 million United States residents lived in 309,600 homeowners association communities; and*

*Whereas, In order to ensure that these rules and covenants are applied fairly and mediation between the involved parties is run in a fair and equitable fashion, these homeowners associations should be studied more fully: Therefore,*

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

SECTION 1. That the legislative council is urged to assign the topic of homeowners associations to the appropriate committee.

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

#### **Senate Concurrent Resolution 10**

The Speaker handed down Senate Concurrent Resolution 10, sponsored by Representatives Koch, Harman, McMillin and Smaltz:

A CONCURRENT RESOLUTION urging Congress to propose the Regulation Freedom amendment to the United States Constitution.

*Whereas, The growth and abuse of federal regulatory authority threaten our Constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth,*

and Fifth Amendments of our Constitution;

*Whereas, Federal regulators must be more accountable to elected representatives of the people and not immune from such accountability;*

*Whereas, The United States House of Representatives has passed with bipartisan support the REINS Act to require that Congress approve major new federal regulations before they can take effect;*

*Whereas, Even if enacted, a law may be repealed or waived by a future Congress and President; and*

*Whereas, An amendment to the United States Constitution does not require the President's approval and cannot be waived by a future Congress and President: Therefore,*

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

SECTION 1. That the Indiana General Assembly does hereby urge that the United States Congress vote to propose the Regulation Freedom amendment to the United States Constitution as follows:

"Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House of Representatives and the Senate to adopt that regulation."

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to each member of Congress, and the Speaker of the House of Representatives and the President of the Senate of every state legislature in the United States.

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

### **Senate Concurrent Resolution 32**

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representative Ziemke:

A CONCURRENT RESOLUTION honoring New Horizons Rehabilitation, Inc. for its 45 years of service to the community.

*Whereas, Before 1968, individuals with disabilities throughout the state were commonly shunned from society, either institutionalized or hidden at home, until a group of families who wanted educational experiences for their children with disabilities came together to plan a system of services in Southeast Indiana;*

*Whereas, The group organized into a non-profit organization in September 1968, and by August 1970, the first work training programs for individuals with disabilities were established by New Horizons in Batesville, Lawrenceburg, and on the grounds of Madison State Hospital;*

*Whereas, By 1987, New Horizons began providing supported employment services to give individuals with disabilities the opportunity to become contributing, valued employees in business in their communities, and services were soon expanded through the years to support infant, toddlers, and pre-school children with disabilities also;*

*Whereas, New Horizons now provides a variety of services to enhance individuals' personal and social lives and independent living skills by offering "sheltered" and "competitive" work opportunities in safe and structured environments, thereby benefitting both the business communities and the individuals by allowing them to achieve their goals, as well as through supported living situations that allow New Horizons to oversee the safety, care, and*

*development of individuals with disabilities; and*

*Whereas, Since its founding 45 years ago, New Horizons has consistently created services and opportunities for persons with disabilities to live meaningful lives and now looks forward to providing even greater opportunities in the future: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors and thanks New Horizons Rehabilitation, Inc. for its 45 years of dedicated service to the thousands of people whose lives have been touched by its caring and dedicated personnel.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to New Horizons Rehabilitation, Inc.

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

Representatives Dvorak, Hale, Kirchofer, Niemeyer, V. Smith and Steuerwald, who were excused are now present.

### **ENGROSSED SENATE BILLS ON SECOND READING**

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 159, 179, 292 and 420.

### **ENGROSSED SENATE BILLS ON THIRD READING**

#### **Engrossed Senate Bill 44**

Representative Clere called down Engrossed Senate Bill 44 for third reading:

A BILL FOR AN ACT concerning health.

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

Roll Call 311: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

#### **Engrossed Senate Bill 50**

Representative Zent called down Engrossed Senate Bill 50 for third reading:

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

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

Roll Call 312: yeas 69, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 80**

Representative Bosma called down Engrossed Senate Bill 80 for third reading:

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

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 313: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 88

Representative Bacon called down Engrossed Senate Bill 88 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 314: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative McMillin, who had been excused is now present.

The Speaker Pro Tempore yielded the gavel to the Speaker.

### Engrossed Senate Bill 91

Representative Thompson called down Engrossed Senate Bill 91 for third reading:

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

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

Roll Call 315: yeas 67, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 1:35 p.m. with the Speaker in the Chair.

Upon request of Representative Kersey, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 316: 67 present. The Speaker declared a quorum present.

Representatives Burton and Braun, who were excused, are now present.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 1

Representative T. Brown called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1-10)

Mr. Speaker: I move that Engrossed Bill 1 be amended to read as follows:

Page 14, line 35, delete "One (1) member" and insert "**Two (2) members**".

Page 14, line 39, delete "One (1) member" and insert "**Two (2) members**".

Page 15, line 18, delete "legislative".

Page 15, line 18, after "commission" insert "**appointed under subsection (c)(1) or (c)(2)**".

Page 15, line 20, delete "legislative".

Page 15, line 20, after "commission" insert "**appointed under subsection (c)(3) or (c)(4)**".

(Reference is to ESB 1 as printed February 25, 2014.)

PRYOR

Motion prevailed.

HOUSE MOTION  
(Amendment 1-3)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 15, between lines 1 and 2, begin a new line block indented and insert:

**"(6) One (1) member who is appointed by the president pro tempore of the senate and who is not a member of the general assembly.**

**(7) One (1) member who is appointed by the minority leader of the senate and who is not a member of the general assembly.**

**(8) One (1) member who is appointed by the speaker of the house of representatives and who is not a member of the general assembly.**

**(9) One (1) member who is appointed by the minority leader of the house of representatives and who is not a member of the general assembly."**

Page 15, line 2, delete "(6)" and insert "**(10)**".

Page 15, line 5, delete "(7)" and insert "**(11)**".

Page 15, line 8, delete "(8)" and insert "**(12)**".

Page 15, line 11, delete "(9)" and insert "**(13)**".

Page 15, line 14, delete "(10)" and insert "**(14)**".

(Reference is to ESB 1 as printed February 25, 2014.)

DVORAK

Motion withdrawn.

HOUSE MOTION  
(Amendment 1-1)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 15, between lines 16 and 17, begin a new line block indented and insert:

**"(11) One (1) member who is nominated by the National Federation of Independent Business and appointed jointly by the chairman and vice chairman of the legislative council."**

(Reference is to ESB 1 as printed February 25, 2014.)

DERMODY

Motion prevailed.

HOUSE MOTION  
(Amendment 1-5)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 2, line 1, delete "." and insert "**, as modified by section 6 of this chapter.**".

Page 2, line 14, delete "6" and insert "7".

Page 2, line 17, delete "same".

Page 2, line 18, delete "as" and insert "**of**".

Page 2, line 19, delete "," and insert "**and modified by section 6 of this chapter for the county,**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

**"Sec. 6. (a) For purposes of this chapter, a county income tax council has a total of one hundred twenty-five (125) votes allocated as follows:**

**(1) One hundred (100) votes are allocated among the county and each city and town located in the county.**

**(2) Twenty (20) votes are allocated among the school corporations located in the county.**

(3) Five (5) votes are allocated among the public library districts located in the county.

(b) Every member of the county income tax council representing the county, a city, or a town is allocated a percentage of the total one hundred (100) votes that may be cast. The percentage that a city or town is allocated for a year equals the same percentage that the population of the city or town bears to the population of the county. The percentage that the county is allocated for a year equals the same percentage that the population of all areas in the county not located in a city or town bears to the population of the county.

(c) Every member of the county income tax council representing a school corporation is allocated a percentage of the total twenty (20) votes that may be cast. The percentage that a school corporation is allocated for a year equals the same percentage that the ADM of the school corporation (as determined under IC 20-43-4-2) bears to the total ADM of all school corporations located in the county, excluding any students of a school corporation that reside outside the county.

(d) Every member of the county income tax council representing a library district is allocated a percentage of the total five (5) votes that may be cast. The percentage that a library district is allocated for a year equals the same percentage that the population residing in the library district bears to the total population of all library districts located in the county, excluding any residents of a library district that reside outside the county.

(e) On or before January 1 of each year, the county auditor shall certify to each member of the county income tax council the number of votes, rounded to the nearest one hundredth (0.01), it has for that year."

Page 2, line 32, delete "6." and insert "7."

Page 2, line 36, delete "7." and insert "8."

Page 3, line 3, delete "8." and insert "9."

(Reference is to ESB 1 as printed February 25, 2014.)

KERSEY

Motion failed.

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

HOUSE MOTION  
(Amendment 1-4)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 2, line 8, delete "is adopted" and insert "takes effect under section 6 of this chapter".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"(e) If the county income tax council adopts an exemption ordinance under this section, the county auditor shall certify the ordinance to the county election board, and the county election board shall place the following question on the election ballot in accordance with IC 3-10-9-4 and subsection (f):

"Shall the exemption ordinance adopted by the county income tax council of \_\_\_\_\_ County exempting business personal property from taxation and resulting in increased property taxes on homesteads and other property in the county be approved?"

(f) The county election board shall place the local public question described in subsection (e) on the ballot at the next general election for which the question may be certified under IC 3-10-9-3 and for which all voters of the county are entitled to vote.

(g) After an election on the local public question, the circuit court clerk of the county shall:

- (1) make a certified copy of the election returns; and
- (2) not later than five (5) days after the election, file

the copy with:

- (A) the department of local government finance;
- (B) the county income tax council; and
- (C) the fiscal body of the county.

(h) The local public question is approved by a county if a majority of the county voters voting on the local public question vote "yes". The local public question is defeated by a county if a majority of the county voters voting on the local public question vote "no".

(i) If the local public question is defeated in a county, the fiscal body may adopt an exemption ordinance under this section for ratification in another local public question as provided in this section at a subsequent general election in the county. However, a local public question concerning an exemption ordinance may not be placed on the ballot more than two (2) times in any seven (7) year period."

Page 2, line 32, after "6." insert "(a)".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(b) If an exemption ordinance is approved by the voters of the county in a local public question held under section 5 of this chapter, the exemption ordinance takes effect on January 1 of the following calendar year.

(c) If the voters of the county defeat an exemption ordinance in a local public question held under section 5 of this chapter, the exemption ordinance is void."

(Reference is to ESB 1 as printed February 25, 2014.)

DVORAK

Upon request of Representatives Pelath and GiQuinta, the Speaker ordered the roll of the House to be called. Roll Call 317: yeas 32, nays 60. Motion failed.

HOUSE MOTION  
(Amendment 1-13)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

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

"SECTION 1. IC 4-12-1-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. (a) As used in this section, "corporation" does not include a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2).

(b) For a state fiscal year beginning after June 30, 2016, the budget agency shall estimate the amount of revenue that would have been collected from corporations under IC 6-3 if the following rate schedule had been imposed by IC 6-3-2-1 during the state fiscal year.

- (1) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).
- (2) After June 30, 2017, and before July 1, 2018, six percent (6%).
- (3) After June 30, 2018, and before July 1, 2019, five and seventy-five hundredths percent (5.75%).
- (4) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).
- (5) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).
- (6) After June 30, 2021, and before July 1, 2022, five percent (5%).
- (7) After June 30, 2022, four and nine-tenths percent (4.9%).

(c) For a state fiscal year that begins after June 30, 2018, the budget agency shall estimate the amount of revenue that would have been collected under IC 6-5.5 if the following rate schedule had been imposed by IC 6-5.5-2-1 during the state fiscal year:

- (1) For taxable years beginning after December 31, 2018, and before January 1, 2020, six and twenty-five hundredths percent (6.25%).

(2) For taxable years beginning after December 31, 2019, and before January 1, 2021, six percent (6%).

(3) For taxable years beginning after December 31, 2020, and before January 1, 2022, five and five-tenths percent (5.5%).

(4) For taxable years beginning after December 31, 2021, and before January 1, 2023, five percent (5%).

(5) For taxable years beginning after December 31, 2022, four and nine-tenths percent (4.9%).

(d) This subsection applies to a state fiscal year beginning after June 30, 2016. The budget agency shall make the estimate required by subsection (b) before August 1 in the following state fiscal year. Before August 15 of the following state fiscal year, the budget agency shall determine the difference between:

(1) the amount of tax revenue actually collected from corporations under IC 6-3 in the previous state fiscal year; minus

(2) the amount of tax revenue estimated for that particular state fiscal year under subsection (b).

(e) This subsection applies to a state fiscal year beginning after June 30, 2018. The budget agency shall make the estimate required by subsection (c) before August 1 in the following state fiscal year. Before August 15 of the following state fiscal year, the budget agency shall determine the difference between:

(1) the amount of tax revenue actually collected under IC 6-5.5 in the previous state fiscal year; minus

(2) the amount of tax revenue estimated for that particular state fiscal year under subsection (c).

(f) Before September 1, 2017, and each year thereafter, the budget agency shall annually transfer from the state general fund to the Indiana bicentennial legacy training fund established under IC 4-12-19-1 an amount of money equal to the greater of:

(1) zero dollars (\$0); or

(2) the sum of the results determined under subsections (d) and (e).

SECTION 2. IC 4-12-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

**Chapter 19. Indiana Bicentennial Legacy Training Fund**

**Sec. 1.** The Indiana bicentennial legacy training fund is established.

**Sec. 2.** The fund shall be administered by the treasurer of state.

**Sec. 3.** Expenses of administering the fund shall be paid from money in the fund. The fund consists of amounts transferred to the fund under IC 4-12-1-19(f).

**Sec. 4.** 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 funds may be invested.

**Sec. 5.** Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**Sec. 6.** Except as provided in section 7 of this chapter, the principal of the fund may not be expended.

**Sec. 7.** The principal of the fund may be expended after the amount of the principal is at least fifty million dollars (\$50,000,000). Subject to appropriation by the general assembly, money in the fund must be used for worker training."

Page 8, delete lines 35 through 42.

Delete page 9.

Page 10, delete lines 1 through 2.

Page 12, delete lines 34 through 42.

Delete page 13.

Page 14, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed February 25, 2014.)

PORTER

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 318: yeas 31, nays 64. Motion failed.

Representative Frye was excused.

HOUSE MOTION  
(Amendment 1-9)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 1, line 5, after "Property" insert "**Pilot Project**".

Page 2, delete lines 12 through 15, begin a new paragraph and insert:

"**Sec. 5. (a) The first five (5) counties in which the county income tax council adopts an exemption ordinance under subsection (b) constitute a pilot project for evaluating the impact of exempting new personal property from taxation on job creation in the adopting counties.**

**(b) A county income tax council may adopt an exemption ordinance that exempts new personal property located in the county from property taxation as provided in section 6 of this chapter. However, a county income tax council may not adopt an ordinance under this section after the department of local government finance announces under subsection (e) that an exemption ordinance has been adopted by the county income tax councils in five (5) counties."**

Page 2, line 16, delete "(b)" and insert "(c)".

Page 2, line 24, delete "(c)" and insert "(d)".

Page 2, line 29, delete "(d)" and insert "(e)".

Page 2, line 31, after "." insert "**The department of local government finance shall post the names of the counties in which an exemption ordinance is adopted on the department's Internet web site. Upon receiving a certified copy of the exemption ordinance adopted by the county income tax council of the fifth county to do so, the department of local government finance shall immediately announce on the department's Internet web site that:**

**(1) the pilot project authorized by this chapter is full; and**

**(2) the county income tax council of any other county may not adopt an exemption ordinance under this section."**

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"**Sec. 9. The legislative council shall establish an interim study committee to evaluate the pilot project authorized by this chapter during the legislative interim of 2016. The interim study committee shall determine the number of jobs created in the counties participating in the pilot project because of the exemption for new personal property granted by the participating counties. The interim study committee shall report its findings and recommendations to the legislative council in an electronic format under IC 5-14-6 before November 1, 2016."**

(Reference is to ESB 1 as printed February 25, 2014.)

PORTER

Upon request of Representatives Pelath and C. Brown, the Speaker ordered the roll of the House to be called. Roll Call 319: yeas 30, nays 65. Motion failed. The bill was ordered engrossed.

**Engrossed Senate Bill 52**

Representative Eberhart called down Engrossed Senate Bill 52 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 52-3)

Mr. Speaker: I move that Engrossed Senate Bill 52 be amended to read as follows:

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

paragraph and insert:

"SECTION 1. IC 9-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The owner shall paint on or attach to each side of the bow of the motorboat the registration number assigned under section 10 of this chapter. **Subject to subsection (b), the number shall must be displayed, painted on, or attached in the manner prescribed by rules adopted by the bureau so that the number is legible and clearly visible. The registration number shall be maintained in legible condition.**

**(b) If a motorboat is required to be registered under 33 CFR 173, the registration number must be displayed in the manner prescribed by 33 CFR 173.27.**

SECTION 2. IC 14-15-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to a motorboat competing in and during a motorboat race for which a permit has been issued by the department.

(b) A person may not operate a motorboat on Indiana water unless the boat motor is equipped with:

- (1) a muffler;
- (2) an underwater exhaust; or
- (3) other device;

that muffles or suppresses the sound of the exhaust. **to prevent excessive and unusual noise at all speeds."**

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 14-15-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. Except when enforcing the requirements concerning the display of a light on a boat as provided in section 10, 11, 12, 13, or 14 of this chapter, a boat may not be stopped, inspected, searched, or detained by a law enforcement officer solely to determine compliance with the requirements of this chapter.**

SECTION 5. IC 14-15-3-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. **Sec. 21: (a) A person operating or occupying a boat may not sound a whistle or horn when:**

- (1) the passage of the boat is clear and without danger; or
- (2) a warning signal is not necessary to prevent injury to person or property.

**(b) Unnecessary sounding of a whistle or horn is:**

- (1) a public nuisance; and
- (2) prohibited."

Page 1, line 13, delete "21,".

Page 3, line 7, after "who" insert ",".

Page 3, line 7, strike "knowingly,".

Page 3, line 23, strike "recklessly, knowingly, or intentionally".

Page 3, delete lines 25 through 27.

Page 6, line 11, delete "knowingly".

Page 6, line 12, delete "or intentionally".

Page 6, line 29, after "who" insert ":".

Page 6, line 29, strike "recklessly, knowingly, or".

Page 6, strike line 30.

Page 6, line 35, delete "However, the offense is".

Page 6, delete lines 36 through 38.

Page 11, line 4, strike "knowingly or intentionally".

Page 11, line 7, after "who" insert ":".

Page 11, line 7, strike "knowingly or intentionally".

Page 11, line 14, strike "knowingly or intentionally".

Page 11, line 30, delete "(a)".

Page 11, line 30, after "who" insert "**knowingly or intentionally**".

Page 11, line 32, strike "B" and insert "C".

Page 11, line 32, delete "misdemeanor infraction." and insert "misdemeanor."

Page 11, delete lines 36 through 41.

Page 12, line 2, delete "who:" and insert "who,".

Page 12, strike lines 3 through 5.

Page 12, line 6, strike "(3)".

Page 12, line 8, delete ";".

Page 12, line 28, after "who" insert ":".

Page 12, line 28, strike "recklessly, knowingly, or intentionally:".

Page 13, line 9, delete "knowingly".

Page 13, line 13, delete "knowingly".

Page 13, line 17, delete "knowingly".

Page 13, line 27, strike "recklessly or knowingly".

Page 13, line 36, delete "knowingly".

Page 15, line 25, strike "knowingly".

Page 15, line 25, after "23" insert "of".

Page 15, line 35, strike "recklessly".

Page 16, line 2, strike "knowingly".

Page 18, line 42, delete "knowingly".

Renumber all SECTIONS consecutively.

(Reference is to ESB 52 as printed February 21, 2014.)

MCMILLIN

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 59

Representative Mayfield called down Engrossed Senate Bill 59 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 59-1)

Mr. Speaker: I move that Engrossed Senate Bill 59 be amended to read as follows:

Page 7, line 17, after "person," insert "**considering the totality of the circumstances, including the desire and interests of the spouse in remaining married,**".

Page 8, line 24, delete "IC 31-15-2-4" and insert "**IC 31-15-2**".

Page 9, line 31, delete "IC 31-9-2-53.5" and insert "IC 31-9-2-54.5".

Page 9, line 33, delete "53.5." and insert "**54.5**".

(Reference is to ESB 59 as printed February 25, 2014.)

WASHBURNE

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 111

Representative Lehe called down Engrossed Senate Bill 111 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 111-1)

Mr. Speaker: I move that Engrossed Senate Bill 111 be amended to read as follows:

Page 1, line 3, delete "JULY 1, 2014]" and insert "**UPON PASSAGE]**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:

**"(g) The department of local government finance shall adopt its initial rule setting forth soil productivity ratings before January 1, 2015."**

Page 2, line 36, delete "(g)" and insert "**(h)**".

Page 2, after line 37, begin a new paragraph and insert:

**"SECTION 2. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 111 Digest Correction as printed February 25, 2014.)

OBER

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 143

Representative Thompson called down Engrossed Senate Bill 143 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 143-3)

Mr. Speaker: I move that Engrossed Senate Bill 143 be amended to read as follows:

Page 4, line 27, delete "2019," and insert "2018,"  
(Reference is to ESB 143 as printed February 24, 2014.)  
THOMPSON

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 173

Representative T. Brown called down Engrossed Senate Bill 173 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 173-13)

Mr. Speaker: I move that Engrossed Senate Bill 173 be amended to read as follows:

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

"SECTION 1. IC 12-7-2-44.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 44.6. "Countable asset" means the following:

**(1) For purposes of IC 12-10-10, in determining eligibility for the community and home options to institutional care for the elderly and disabled program, property that is included in determining assets in the same manner as determining an individual's eligibility for the Medicaid aged and disabled waiver.**

**(2) For purposes of IC 12-20, means noncash property that is not necessary for the health, safety, or decent living standard of a household that:**

**(+) (A)** is owned wholly or in part by the applicant or a member of the applicant's household;

**(+) (B)** the applicant or the household member has the legal right to sell or liquidate; and

**(+) (C)** includes:

**(+) (i)** real property other than property that is used for the production of income or that is the primary residence of the household;

**(+) (ii)** savings and checking accounts, certificates of deposit, bonds, stocks, and other intangibles that have a net cash value; and

**(+) (iii)** boats, other vehicles, or any other personal property used solely for recreational or entertainment purposes.

SECTION 2. IC 12-7-2-49.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 49.5. "CPI", for purposes of IC 12-10-10, has the meaning set forth in IC 12-10-10-2.5.

SECTION 3. IC 12-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. As used in this chapter, "case management" means an administrative function conducted locally by an area agency on aging that includes the following:

(1) Assessment of an individual to determine the individual's functional impairment level and corresponding need for services.

**(2) Initial verification of an individual's income and assets.**

**(+) (3) Development of a care plan addressing that:**

**(A) addresses** an eligible individual's needs;

**(B) takes into consideration the individual's family and community members who are willing to provide services to meet any of the individual's needs; and**

**(C) is consistent with a person centered approach to client care.**

**(+) (4) Supervision of the implementation of appropriate and available services for an eligible individual.**

**(+) (5) Advocacy on behalf of an eligible individual's interests.**

**(+) (6) Monitoring the quality of community and home**

care services provided to an eligible individual.

**(+) (7) Reassessment of the care plan to determine:**

**(A) the continuing need and effectiveness of the community and home care services provided to an eligible individual under this chapter; and**

**(B) the annual reverification of a plan recipient's income and assets, as may be required by the division under section 4(e) of this chapter.**

**(+) (8) Provision of information and referral services to individuals in need of community and home care services.**

SECTION 4. IC 12-10-10-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2.5. As used in this chapter, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index.

SECTION 5. IC 12-10-10-4, AS AMENDED BY P.L.99-2007, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) As used in this chapter, "eligible individual" means an individual who meets the following criteria:

(1) Is a resident of Indiana.

(2) Is:

(A) at least sixty (60) years of age; or  
(B) an individual with a disability.

(3) Has assets that meet the following criteria:

**(A) For an individual who participates in the program and whose date of application for the program is before January 1, 2015, assets that do not exceed five hundred thousand dollars (\$500,000), as determined by the division. and**

**(B) For an individual whose date of application for the program is after December 31, 2014, countable assets that do not exceed two hundred fifty thousand dollars (\$250,000) adjusted by the CPI, as set forth in subsection (c). In determining assets under this clause, the division shall exclude an additional twenty thousand dollars (\$20,000) in countable assets, as adjusted by the CPI as set forth in subsection (c).**

(4) Qualifies under criteria developed by the board as having an impairment that places the individual at risk of losing the individual's independence, as described in subsection (b).

(b) For purposes of subsection (a), an individual is at risk of losing the individual's independence if the individual is unable to perform any of the following:

(1) Two (2) or more activities of daily living. The use by or on behalf of the individual of any of the following services or devices does not make the individual ineligible for services under this chapter:

**(+) (A) Skilled nursing assistance.**

**(+) (B) Supervised community and home care services, including skilled nursing supervision.**

**(+) (C) Adaptive medical equipment and devices.**

**(+) (D) Adaptive nonmedical equipment and devices.**

**(2) One (1) activity of daily living if, using the needs based assessment established under section 13(1) of this chapter, the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.**

**(3) An activity if, using the needs based assessment established under section 13(1) of this chapter, the area agency on aging determines that targeted intervention or assistance with the activity would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.**

(c) Before June 1, 2015, and before June 1 of each subsequent year, the division shall determine an adjusted asset limit to be used for purposes of subsection (a)(3)(B), subsection (d)(4), and section 13 of this chapter in the following state fiscal year. The adjusted asset limit for the following state fiscal year shall be determined as follows:

**STEP ONE:** Determine the percentage change between:

- (A) the CPI as last reported for the calendar year ending in the state fiscal year in which the determination is made; and
- (B) the CPI as last reported for the calendar year that precedes the calendar year described in clause (A).

**STEP TWO:** Express the percentage change determined in STEP ONE as a two (2) digit decimal rounded to the nearest hundredth. A negative percentage change under this STEP must be treated as zero (0).

**STEP THREE:** Add one (1) to the STEP TWO result.

**STEP FOUR:** Multiply:

- (A) the STEP THREE result; by
- (B) the asset limit used for purposes of subsection (a)(3)(B) in the state fiscal year in which the determination is made.

Before June 15, 2015, and before June 15 of each subsequent year, the division shall publish in the Indiana Register the adjusted asset limit to be used for purposes of subsection (a)(3)(B) in the following state fiscal year.

(d) The division shall, in accordance with standards established under section 13(3) of this chapter, establish a cost participation schedule for a program recipient based on the program participant's income and countable assets. The cost participation schedule must meet the following:

- (1) Exclude from cost participation an eligible individual whose income and countable assets do not exceed one hundred fifty percent (150%) of the federal income poverty level.
- (2) Exclude from cost participation for the total services provided to an individual under the program unless the eligible individual's income and countable assets exceed three hundred fifty percent (350%) of the federal income poverty level.
- (3) In calculating income and countable assets for an eligible individual, deduct the medical expenses of the following:
  - (A) The individual.
  - (B) The spouse of the individual.
  - (C) The dependent children of the individual.
- (4) Exclude twenty thousand dollars (\$20,000) of a participant's countable assets, as adjusted by CPI, from consideration in determining a participant's cost participation.

The cost participation schedule established under this subsection may be applied only to an individual whose date of application for the program is after December 31, 2014.

(e) The division may require annual reverification for program participants whom the division determines are likely to experience a material increase in income or assets. An individual shall submit the information requested by the division to carry out the redetermination allowed by this subsection.

(f) The division may not require a family or other person to provide services as a condition of an individual's eligibility for or participation in the program.

SECTION 6. IC 12-10-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b), the case management under this chapter of an individual leading to participation in the program may not be conducted by any agency that delivers services under the program.

(b) If the division determines that there is no alternative agency capable of delivering services to the individual, the area agency on aging that performs the assessment under the program may also deliver the services.

(c) The division shall provide the necessary funding to provide case management services for the program, as determined under section 13(2) of this chapter.

SECTION 7. IC 12-10-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The division shall establish a program to train relatives of eligible individuals to provide homemaker and personal care services to those eligible individuals.

(b) Relatives of eligible individuals who complete the training program established under this section are eligible for reimbursement under this chapter or under the Medicaid program for the provision of homemaker and personal care services to those eligible individuals. Reimbursement under the Medicaid program is limited to those cases in which the provision of homemaker and personal care services to an eligible individual by a relative results in financial hardship to the relative.

(c) For services that an individual is eligible to receive under the program but receives from a relative or other individual without receiving compensation, the area agency on aging shall:

- (1) determine, in accordance with section 13(4) of this chapter, the savings from not paying for these services; and
- (2) allocate twenty percent (20%) of the savings calculated under subdivision (1) to offset the individual's cost share amount, if any, for participating in the program.

SECTION 8. IC 12-10-10-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The division and the area agencies on aging shall jointly develop policies that establish the following:

- (1) A needs based assessment to be used in determining a client's needs and care plan under section 1(3) of this chapter.
- (2) The percentage of program dollars adequate to provide case management services.
- (3) A cost participation schedule for program recipients as required by section 4(d) of this chapter.
- (4) Procedures for determining cost savings as required by section 9(c) of this chapter.
- (5) Program performance measures for the area agencies on aging.

SECTION 9. IC 12-10-10-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 14. (a) This section applies only to an individual whose date of application for the program is after December 31, 2014.

(b) The division may obtain a lien on the program recipient's real property for the cost of services provided to the individual in the program if the cost of the services exceeds twenty thousand dollars (\$20,000), as adjusted by the CPI under section 4(c) of this chapter, in the same manner and with the same requirements as the office obtains a lien against a Medicaid recipient under IC 12-15-8.5, except that there may be no look back of the program recipient's property as required under the Medicaid program in IC 12-15-8.5-2.

(c) The division may adopt rules necessary under IC 4-22-2 to implement this section.

SECTION 10. IC 12-10-11-8, AS AMENDED BY P.L.143-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The board shall do the following:

- (1) Establish long term goals of the state for the provision

of a continuum of care for the elderly and individuals with a disability based on the following:

- (A) Individual independence, dignity, and privacy.
  - (B) Long term care services that are:
    - (i) integrated, accessible, and responsible; and
    - (ii) available in home and community settings.
  - (C) Individual choice in planning and managing long term care.
  - (D) Access to an array of long term care services:
    - (i) for an individual to receive care that is appropriate for the individual's needs; and
    - (ii) to enable a case manager to have cost effective alternatives available in the construction of care plans and the delivery of services.
  - (E) Long term care services that include home care, community based services, assisted living, congregate care, adult foster care, and institutional care.
  - (F) Maintaining an individual's dignity and self-reliance to protect the fiscal interests of both taxpayers and the state.
  - (G) Long term care services that are fiscally sound.
  - (H) Services that:
    - (i) promote behavioral health; and
    - (ii) prevent and treat mental illness and addiction.
- (2) Review state policies on community and home care services.
- (3) Recommend the adoption of rules under IC 4-22-2.
- (4) Recommend legislative changes affecting community and home care services.
- (5) Recommend the coordination of the board's activities with the activities of other boards and state agencies concerned with community and home care services.
- (6) Evaluate cost effectiveness, quality, scope, and feasibility of a state administered system of community and home care services.
- (7) Evaluate programs for financing services to those in need of a continuum of care.
- (8) Evaluate state expenditures for community and home care services, taking into account efficiency, consumer choice, competition, and equal access to providers.
- (9) Develop policies that support the participation of families and volunteers in meeting the long term care needs of individuals.
- (10) Encourage the development of funding for a continuum of care from private resources, including insurance.
- ~~(11) Develop a cost of services basis and a program of cost reimbursement for those persons who can pay all or a part of the cost of the services rendered. The division shall use this cost of services basis and program of cost reimbursement in administering IC 12-10-10. The cost of services basis and program of cost reimbursement must include a client cost share formula that:~~
- ~~(A) imposes no charges for an eligible individual whose income does not exceed one hundred fifty percent (150%) of the federal income poverty level; and~~
  - ~~(B) does not impose charges for the total cost of services provided to an individual under the community and home options to institutional care for the elderly and disabled program unless the eligible individual's income exceeds three hundred fifty percent (350%) of the federal income poverty level.~~
- The calculation of income for an eligible individual must include the deduction of the individual's medical expenses and the medical expenses of the individual's spouse and dependent children who reside in the eligible individual's household.
- ~~(12) (11) Establish long term goals for the provision of guardianship services for adults.~~
- ~~(13) (12) Coordinate activities and programs with the~~

activities of other boards and state agencies concerning the provision of guardianship services.

- ~~(14) (13) Recommend statutory changes affecting the guardianship of indigent adults.~~
- ~~(15) (14) Review a proposed rule concerning home and community based services as required under section 9 of this chapter."~~

Renumber all SECTIONS consecutively.  
(Reference is to ESB 173 as printed February 24, 2014.)  
CLERE

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 176

Representative Torr called down Engrossed Senate Bill 176 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 176-1)

Mr. Speaker: I move that Engrossed Bill 176 be amended to read as follows:

Page 10, line 18, delete ", Hendricks".  
Page 10, line 19, delete "County,".  
Page 34, delete line 7.  
Page 34, line 8, delete "(5)" and insert "(4)".  
Page 34, line 9, delete "(6)" and insert "(5)".  
Page 34, line 10, delete "(7)" and insert "(6)".  
Page 35, line 33, delete ", Hendricks".  
Page 35, line 34, delete "County,".  
Page 38, line 17, delete ", Hendricks".  
Page 38, line 18, delete "County,".  
Page 42, line 38, delete ",,".  
Page 42, line 39, delete "Hendricks County,".  
(Reference is to ESB 176 as printed February 25, 2014.)  
THOMPSON

Motion prevailed.

#### HOUSE MOTION (Amendment 176-5)

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 40, delete lines 11 through 19.  
Page 40, line 20, delete "8." and insert "7".  
Page 44, line 8, delete "P.L.123-2008," and insert "SEA 24-2014, SECTION 74,".  
Page 44, line 9, delete "SECTION 3,".  
(Reference is to ESB 176 as printed February 25, 2014.)  
DELANEY

Motion prevailed.

Representative Frye, who had been excused is now present.

#### HOUSE MOTION (Amendment 176-2)

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 40, between lines 40 and 41, begin a new paragraph and insert:  
**"Sec. 9. If a transportation project is approved in an eligible county, transportation services must be provided through the transportation project throughout the eligible county and must be made available under this article to all citizens of the county."**  
(Reference is to ESB 176 as printed February 25, 2014.)

TORR

Motion prevailed.

#### HOUSE MOTION (Amendment 176-4)

Mr. Speaker: I move that Engrossed Senate Bill 176 be amended to read as follows:

Page 36, line 7, delete "8" and insert "9".

Page 36, between lines 12 and 13, begin a new paragraph and insert:

**"Sec. 6. At least one hundred twenty (120) days before the election on the local public question, the county executive shall consult with the twenty-five (25) largest employers of the county to discuss various possible revenue options for the public transportation system. At the request of the executive of an eligible county, the department of workforce development shall furnish the county executive with a list of the twenty-five (25) largest employers in the county, by the number of employees employed. At least ninety (90) days before the election on the local public question, the county executive shall publish on the county's Internet web site the county's plan to meet the requirement under IC 8-25-3-5(c) to fund at least ten percent (10%) of the annual operating revenues of the public transportation system with revenue derived from sources other than fares and taxes."**

Page 36, line 13, delete "6." and insert "7."

Page 36, line 20, delete "7." and insert "8."

Page 36, line 25, delete "8." and insert "9."

Page 36, line 31, delete "9." and insert "10."

Page 36, line 37, delete "10." and insert "11."

Page 36, line 41, delete "11." and insert "12."

Page 38, delete lines 29 through 36, begin a new paragraph and insert:

**"Sec. 5. (a) Subject to subsections (c) and (e), the minimum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed to fund a public transportation project is one-tenth percent (0.1%)."**

**(b) Subject to subsections (c) and (e), the maximum tax rate for a county adjusted gross income tax, county option income tax, or county economic development income tax that may be imposed to fund a public transportation project is twenty-five hundredths percent (0.25%)."**

**(c) At least ten percent (10%) of the annual operating revenues for a public transportation system authorized by this article must be derived from sources other than taxes and fares. An operating entity of a public transportation system authorized by this article, whether an eligible county itself, a public transportation corporation established by the eligible county, or any other entity, shall develop a range of revenue options to fund the ongoing operation of the public transportation system, including the following:**

- (1) General sponsorships.
- (2) Cost share for new transit stations or vehicles.
- (3) Advertising.
- (4) Group purchases or discounts.
- (5) Minimum monthly sales guarantees of transit passes.

**(d) At least annually, the executive of an eligible county that has approved a local public question concerning a public transportation project under IC 8-25-2 shall consult with the twenty-five (25) largest employers of the county to discuss various possible revenue options for the public transportation system. At the request of the executive of an adopting county, the department of workforce development shall furnish the county executive with a list of the twenty-five (25) largest employers in the county, by the number of employees employed.**

**(e) In any year, if at least ten percent (10%) of the annual operating revenues of a public transportation system authorized by this article are not derived from sources other than taxes and fares, the fiscal body of the eligible county that imposed any tax rate authorized under this article to fund the public transportation system must reduce the tax rates imposed in the following year by multiplying the tax rate by a factor equal to:**

- (1) ninety percent (90%); plus
- (2) the actual percentage of the public transportation

**system's operating revenues for the year that were derived from sources other than taxes and fares."**

(Reference is to ESB 176 as printed February 25, 2014.)

TORR

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 180

Representative Zent called down Engrossed Senate Bill 180 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 180-1)

Mr. Speaker: I move that Engrossed Bill 180 be amended to read as follows:

Page 3, between lines 16 and 17, begin a new paragraph and insert:

**"SECTION 3. IC 12-7-2-34, AS AMENDED BY P.L.6-2012, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. "Commission" means the following:**

**(1) for purposes of IC 12-8-15, the meaning set forth in IC 12-8-15-1.**

**(+) (2) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.**

**(-) (3) For purposes of IC 12-11-7, the meaning set forth in IC 12-11-7-1.**

**(+) (4) For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.**

**(+) (5) For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.**

**(-) (6) For purposes of IC 12-15-46-2, the meaning set forth in IC 12-15-46-2(a).**

**(-) (7) For purposes of IC 12-21-6.5, the meaning set forth in IC 12-21-6.5-1.**

**(-) (8) For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.**

**SECTION 4. IC 12-8-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:**

#### **Chapter 15. Brain Injury Rehabilitation and Community Living Commission**

**Sec. 1. As used in this chapter, "commission" refers to the brain injury rehabilitation and community living commission established by section 2 of this chapter.**

**Sec. 2. The brain injury rehabilitation and community living commission is established within the office of the secretary of family and social services.**

**Sec. 3. The commission shall do the following:**

**(1) Establish a comprehensive statewide plan to address the needs of individuals with a brain injury and the needs of the family members and caregivers of the individuals with a brain injury.**

**(2) Develop strategies to implement a full continuum of care for individuals with a brain injury.**

**Sec. 4. (a) The commission must consist of at least ten (10) members appointed by the secretary of family and social services. The majority of the members appointed must have a brain injury or be a family member who is a caregiver to an individual with a brain injury.**

**(b) The members of the commission are not entitled to per diem or any reimbursement for serving on the commission.**

**(c) The term of a member is for three (3) years.**

**(d) The commission annually shall elect a member to serve as chairperson of the commission.**

**Sec. 5. (a) Each state agency that serves individuals with a brain injury shall cooperate with the commission to implement the statewide plan developed by the commission under this chapter.**

**(b) The office of the secretary of family and social**

services shall provide administrative support for the commission.

**Sec. 6. The commission shall prepare an annual report on the status of brain injury services and care. The report must be delivered to the general assembly in an electronic format under IC 5-14-6 and the governor before December 1.**

**Sec. 7. This chapter expires December 31, 2020."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 180 as printed February 24, 2014.)

SAUNDERS

Motion prevailed.

HOUSE MOTION  
(Amendment 180-5)

Mr. Speaker: I move that Engrossed Senate Bill 180 be amended to read as follows:

Page 2, line 8, delete "member;" and insert "**member who is recognized by the United States Department of Veterans Affairs under 38 U.S.C. 5904;**".

Page 3, line 37, delete "active, reserve, or retired" and insert "**prior service**".

Page 8, line 11, delete "active, reserve, or retired" and insert "**prior service**".

(Reference is to ESB 180 as printed February 24, 2014.)

ZENT

Motion prevailed.

HOUSE MOTION  
(Amendment 180-4)

Mr. Speaker: I move that Engrossed Senate Bill 180 be amended to read as follows:

Page 2, delete line 19.

Page 2, line 20, delete "(5)" and insert "(4)".

Page 2, delete lines 22 through 25.

Page 2, delete lines 38 through 39.

Page 5, delete lines 1 through 4.

Page 5, line 5, delete "(i)" and insert "(g)".

Page 7, delete lines 8 through 10, begin a new paragraph and insert:

**"(c) The commissioner shall file an"**.

(Reference is to ESB 180 as printed February 24, 2014.)

T. BROWN

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 320: yeas 62, nays 29. Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 222**

Representative Arnold called down Engrossed Senate Bill 222 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 225**

Representative T. Brown called down Engrossed Senate Bill 225 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 225-1)

Mr. Speaker: I move that Engrossed Senate Bill 225 be amended to read as follows:

Page 19, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 15. IC 5-10.5-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. Notwithstanding any other provision in this article, IC 5-10.2, IC 5-10.3, or IC 5-10.4, the board may not, before January 1, 2016, enter into an agreement with a third party provider to provide annuities for retiring members of:**

**(1) the public employees' retirement fund; or**

**(2) the teachers' retirement fund."**

Delete pages 20 through 22.

Page 23, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to ESB 225 as printed February 24, 2014.)

T. BROWN

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 321: yeas 66, nays 30. Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 229**

Representative Eberhart called down Engrossed Senate Bill 229 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 229-1)

Mr. Speaker: I move that Engrossed Senate Bill 229 be amended to read as follows:

Page 1, delete lines 1 through 16.

Delete pages 2 through 3.

Page 4, delete lines 1 through 9.

Page 7, delete lines 38 through 42.

Delete page 8.

Page 9, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to ESB 229 as printed February 25, 2014.)

LAWSON

Upon request of Representatives Mahan and Torr, the Speaker ordered the roll of the House to be called. Roll Call 322: yeas 24, nays 73. Motion failed. The bill was ordered engrossed.

**Engrossed Senate Bill 249**

Representative VanNatter called down Engrossed Senate Bill 249 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 249-4)

Mr. Speaker: I move that Engrossed Senate Bill 249 be amended to read as follows:

Page 1, delete lines 1 through 16.

Delete pages 2 through 8.

Page 9, delete lines 1 through 33.

Page 15, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-36-17, AS AMENDED BY P.L.257-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section, "nonreverting fund" refers to a nonreverting fund established under subsection (c).

(b) Each county auditor that makes a determination that property was not eligible for a standard deduction under IC 6-1.1-12-37 ~~or a homestead credit under IC 6-1.1-20-9 (repeated)~~ in a particular year shall:

**(1) notify the county treasurer of the determination; and**

**(2) do one (1) or more of the following:**

**(A) Make a notation on the tax duplicate that the property is ineligible for the standard deduction and indicate the date the notation is made.**

**(B) Record a notice of an ineligible homestead lien under subsection (d)(2).**

The county auditor shall issue a notice of taxes, interest, and penalties due to the owner **that improperly received the standard deduction** and include a statement that the payment is to be made payable to the county auditor. The notice must require full payment of the amount owed within thirty (30) days. **The additional taxes and civil penalties that result from the removal of the deduction, if any, are imposed for property taxes first due and payable for an assessment date**

occurring before the earlier of the date of the notation made under subdivision (2)(A) or the date a notice of an ineligible homestead lien is recorded under subsection (d)(2) in the office of the county recorder. With respect to property subject to a determination made under this subsection that is owned by a bona fide purchaser without knowledge of the determination, no lien attaches for any additional taxes and civil penalties that result from the removal of the deduction.

(c) Each county auditor shall establish a nonreverting fund. Upon collection of the adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b), the county treasurer shall deposit that amount:

- (1) in the nonreverting fund, if the county contains a consolidated city; or
- (2) if the county does not contain a consolidated city:
  - (A) in the nonreverting fund, to the extent that the amount collected, after deducting the direct cost of any contract, including contract related expenses, under which the contractor is required to identify homestead deduction eligibility, does not cause the total amount deposited in the nonreverting fund under this subsection for the year during which the amount is collected to exceed one hundred thousand dollars (\$100,000); or
  - (B) in the county general fund, to the extent that the amount collected exceeds the amount that may be deposited in the nonreverting fund under clause (A).

(d) Any part of the amount due under subsection (b) that is not collected by the due date shall be subject to collection under one (1) or more of the following:

- (1) After being placed on the tax duplicate for the affected property and collected in the same manner as other property taxes.
- (2) Through a notice of an ineligible homestead lien recorded in the county recorder's office without charge.

The adjustment in tax due (and any interest and penalties on that amount) after the termination of a deduction or credit as specified in subsection (b) shall be deposited as specified in this subsection (c) only in the first year in which that amount is collected. Upon the collection of the amount due under subsection (b) or the release of a lien recorded under subdivision (2), the county auditor shall submit the appropriate documentation to the county recorder, who shall amend the information recorded under subdivision (2) without charge to indicate that the lien has been released or the amount has been paid in full.

(e) The amount to be deposited in the nonreverting fund or the county general fund under subsection (c) includes adjustments in the tax due as a result of the termination of deductions or credits available only for property that satisfies the eligibility for a standard deduction under IC 6-1.1-12-37, or a homestead credit under IC 6-1.1-20.9 (repealed), including the following:

- (1) Supplemental deductions under IC 6-1.1-12-37.5.
- (2) Homestead credits under IC 6-1.1-20.4, IC 6-3.5-1.1-26, IC 6-3.5-6-13, IC 6-3.5-6-32, IC 6-3.5-7-13.1, or IC 6-3.5-7-26, or any other law.
- (3) Credit for excessive property taxes under IC 6-1.1-20.6-7.5 or IC 6-1.1-20.6-8.5.

Any amount paid that exceeds the amount required to be deposited under subsection (c)(1) or (c)(2) shall be distributed as property taxes.

(f) Money deposited under subsection (c)(1) or (c)(2) shall be treated as miscellaneous revenue. Distributions shall be made from the nonreverting fund established under this section upon appropriation by the county fiscal body and shall be made only for the following purposes:

- (1) Fees and other costs incurred by the county auditor to

discover property that is eligible for a standard deduction under IC 6-1.1-12-37, or a homestead credit under IC 6-1.1-20.9 (repealed).

(2) Other expenses of the office of the county auditor.

(3) The cost of preparing, sending, and processing notices described in IC 6-1.1-22-8.1(b)(9).

The amount of deposits in a reverting fund, the balance of a nonreverting fund, and expenditures from a reverting fund may not be considered in establishing the budget of the office of the county auditor or in setting property tax levies that will be used in any part to fund the office of the county auditor."

Page 15, after line 32, begin a new paragraph and insert:

"SECTION 6. IC 32-25-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b) or (d), in a voluntary conveyance, the grantee of a condominium unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor for the grantor's share of the common expenses incurred before the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts of common expenses paid by the grantee.

(b) The grantee:

- (1) is entitled to a statement from the association, manager, or board of directors setting forth the amount of the unpaid assessments against the grantor; and
- (2) is not liable for, nor shall the condominium unit conveyed be subject to a lien for, any unpaid assessments against the grantor in excess of the amount set forth in the statement.

(c) The grantee may obtain the statement of unpaid assessments described in subsection (b) by making a written request to the association, manager, or board of directors at:

- (1) the last address at which the grantor made a payment of the assessments; or
- (2) the address for the association, manager, or board of directors as listed in the records of the secretary of state.

(d) If the association, manager, or board of directors does not provide, by first class or certified mail, a statement of unpaid assessments not later than ten (10) business days after receipt of the written request, the:

- (1) grantee is not liable for; and
- (2) condominium unit conveyed is not subject to a lien for;

any unpaid assessments against the grantor."

Renumber all SECTIONS consecutively.

(Reference is to ESB 249 as printed February 24, 2014.)

KARICKHOFF

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 273

Representative Cherry called down Engrossed Senate Bill 273 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 284

Representative Rhoads called down Engrossed Senate Bill 284 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 284-1)

Mr. Speaker: I move that Engrossed Bill 284 be amended to read as follows:

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

"SECTION 10. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Either party may appeal the decision of the factfinder under

~~IC 20-29-6-15-1~~ **section 15.1 of this chapter.** 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. 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)~~ **sixty (60)** days after receipt of notice of appeal."

Renumber all SECTIONS consecutively.

(Reference is to ESB 284 as printed February 25, 2014.)

BEHNING

Motion prevailed.

HOUSE MOTION  
(Amendment 284-2)

Mr. Speaker: I move that Engrossed Senate Bill 284 be amended to read as follows:

Page 2, between lines 12 and 13, begin a new line double block indented and insert:

**"(C) For a program participant who seeks a license to teach in prekindergarten through grade 3, twenty-four (24) credit hours of study (or the equivalent) that must include at least six (6) credit hours in teaching scientifically based reading instruction and that prepares a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching."**

Page 3, between lines 18 and 19, begin a new line block indented and insert:

**"(3) For a program participant who seeks to obtain a license to teach in prekindergarten through grade 3, one (1) of the following:**

**(A) A bachelor's degree or the equivalent with a grade point average of a least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.**

**(B) Both:**

**(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and**  
**(ii) five (5) years professional experience in an education related field, as determined by the department.**

**(C) Both:**

**(i) a bachelor's degree from an accredited postsecondary educational institution; and**  
**(ii) proof that the individual has passed the state approved content area examination in the subject area that the individual intends to teach."**

(Reference is to ESB 284 as printed February 25, 2014.)

BEHNING

Motion prevailed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Lehman.

HOUSE MOTION  
(Amendment 284-6)

Mr. Speaker: I move that Engrossed Senate Bill 284 be amended to read as follows:

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 3. IC 20-28-6-2, AS AMENDED BY P.L.6-2012, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

(1) be in writing;

(2) be signed by both parties; and

(3) contain the:

(A) beginning date of the school term as determined annually by the school corporation;

(B) number of days in the school term as determined annually by the school corporation;

(C) total salary to be paid to the teacher during the school year;

(D) number of salary payments to be made to the teacher during the school year; and

(E) number of hours per day the teacher is ~~expected~~ to work, as ~~discussed pursuant to bargained under~~ IC 20-29-6-7.

(b) The contract may provide for the annual determination of the teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or before May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.

(c) A contract under this section is also governed by the following statutes:

(1) IC 20-28-9-5 through IC 20-28-9-6.

(2) IC 20-28-9-9 through IC 20-28-9-11.

(3) IC 20-28-9-13.

(4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d)."

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 7. IC 20-29-2-6, AS AMENDED BY P.L.48-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. "Deficit financing" for a budget year means ~~actual~~ expenditures exceeding the ~~employer's current year actual general fund revenue.~~ **the money legally available to the employer."**

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 8. IC 20-29-6-3, AS AMENDED BY P.L.48-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) It is unlawful for a school employer to enter into any agreement that would place the employer in a position of deficit financing. ~~due to a reduction in the employer's actual general fund revenue or an increase in the employer's expenditures when the expenditures exceed the employer's current year actual general fund revenue.~~

(b) A contract that provides for deficit financing is void to that extent, and an individual teacher's contract executed under the contract is void to that extent.

SECTION 9. IC 20-29-6-4, AS AMENDED BY P.L.286-2013, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A school employer shall bargain collectively with the exclusive representative on the following:

(1) Salary.

(2) Wages.

(3) Hours.

(4) Salary and wage related fringe benefits, including

**but not limited to** accident, sickness, health, dental, vision, life, disability, retirement benefits, ~~and~~ paid time off as permitted to be bargained under IC 20-28-9-11, **and unpaid time off.**

(b) Salary and wages include the amounts of pay increases available to employees under the salary scale adopted under IC 20-28-9-1.5, but do not include the teacher evaluation procedures and criteria, or any components of the teacher evaluation plan, rubric, or tool."

Page 7, line 5, strike "Hours." and insert "**Working conditions.**".

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

"SECTION 12. IC 20-29-6-12, AS AMENDED BY P.L.229-2011, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Formal collective bargaining between a school corporation and the exclusive representative shall not begin before:

(1) ~~August July~~ 1 in the first year of the state budget biennium; or

(2) ~~August July~~ 1 in the second year of the state budget biennium if the parties agreed to a one (1) year contract during the first year of the state budget biennium or the contract provides for renegotiating certain financial items the second year of a two (2) year contract.

Informal negotiations may be held before ~~August July~~ 1.

SECTION 13. IC 20-29-6-12.5, AS AMENDED BY P.L.205-2013, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.5. (a) Before August 1 of the first year of the state budget biennium, the department shall provide the parties with an estimate of the general fund revenue available for bargaining in the school corporation from the school funding formula.

(b) Within thirty (30) days after the date of the fall count of ADM of the school year in the first year of the state budget biennium, the department shall provide the parties with a certification of estimated general fund revenue available for bargaining from the school funding formula. A school employer that has passed a general fund operating referendum under IC 20-46-1 must have that amount certified by the department of local government finance. The school corporation must obtain the certification before the commencement of bargaining. ~~These certifications must be the basis for determinations throughout impasse proceedings under this chapter.~~"

Page 7, line 8, strike "at least".

Page 7, line 9, strike "sixty (60) days" and insert "**April 1**".

Page 7, line 39, after "financing" insert ".".

Page 7, line 39, strike "(as defined)".

Page 7, line 40, strike "in IC 20-29-2-6)".

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

"SECTION 15. IC 20-29-6-16, AS AMENDED BY P.L.229-2011, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively by November 1, as provided in IC 6-1.1-17-5, the parties shall continue the terms of the current contract that is in effect, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) Upon the expiration of the current contract that is in effect, the school employer shall continue under the terms of the current contract that is in effect, with no increase or increment in salary, wages, or benefits for any bargaining unit employee until a new contract is executed, unless continuation would put the school employer in a position of deficit financing. ~~due to a reduction in the employer's actual general fund revenue or an increase in an employer's expenditures when the expenditures~~

~~exceed the current year actual general fund revenue.~~

(c) The only parts of the contract that must continue under this section are the items contained in the contract and listed in section 4 of this chapter.

(d) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter."

Page 8, line 38, after "factfinder" insert ".".

Page 8, line 38, strike "from the staff or panel established under section 6 of this".

Page 8, strike line 39.

Page 9, line 18, strike "October" and insert "**April**".

Page 9, line 19, after "December 31" insert "**June 30**".

Page 9, line 19, reset in roman "of the same year".

Page 9, line 19, delete "February 1 of the".

Page 9, delete line 20.

Renumber all SECTIONS consecutively.

(Reference is to ESB 284 as printed February 25, 2014.)

**BATTLES**

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 323: yeas 32, nays 63. Motion failed.

**HOUSE MOTION**  
(Amendment 284-5)

Mr. Speaker: I move that Engrossed Senate Bill 284 be amended to read as follows:

Replace the effective date in SECTION 5 with "[EFFECTIVE JULY 1, 2014]".

(Reference is to ESB 284 as printed February 25, 2014.)

V. SMITH

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 324: yeas 29, nays 66. Motion failed.

**HOUSE MOTION**  
(Amendment 284-4)

Mr. Speaker: I move that Engrossed Senate Bill 284 be amended to read as follows:

Page 7, line 23, after "board" insert "**either**".

Page 7, line 25, delete "." and insert "**or in an installment plan approved by the board.**".

Page 8, line 4, after "board" insert "**either**".

Page 8, line 6, delete "." and insert "**or in an installment plan approved by the board.**".

(Reference is to ESB 284 as printed February 25, 2014.)

V. SMITH

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 312**

Representative McMillin called down Engrossed Senate Bill 312 for second reading. The bill was read a second time by title.

**HOUSE MOTION**  
(Amendment 312-1)

Mr. Speaker: I move that Engrossed Senate Bill 312 be amended to read as follows:

Page 1, line 3, after "prize" insert "**payment**".

Page 1, line 12, delete "prize," and insert "**prize payment;**".

Page 2, delete lines 15 through 16.

Page 2, line 17, delete "(e)" and insert "**(d)**".

Page 2, line 17, delete "prize," and insert "**prize payment,**".

Page 2, line 18, after "prize" insert "**payment or payments**".

Page 2, line 19, delete "prize." and insert "**prize payment or payments.**".

Page 2, line 20, delete "(f)" and insert "**(e)**".

Page 2, line 20, after "prize" insert "**payment or payments**".

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

Page 2, line 24, after "assignment." insert "**An assignment**".

**and reassignment of a prize payment or payments to one (1) individual or entity under a court order entered under a petition filed under IC 34-28-9.2 shall be considered a single assignment."**

Page 2, line 25, delete "(h)" and insert "(g)".  
 Page 2, line 31, delete "(i)" and insert "(h)".  
 Page 2, line 31, after "prize" insert "**payment or payments**".  
 Page 2, line 32, after "prize" insert "**payment or payments**".  
 Page 2, line 34, after "prize" insert "**payment or payments**".  
 Page 2, line 35, delete "(j) Except as provided in IC 4-30-11-2(b), a" and insert "**(i) A**".

Page 2, line 36, after "prize" insert "**payment or payments under this section**".

Page 2, line 40, delete "prize," and insert "**prize payments**".  
 Page 2, line 40, after "including a" delete "prize" and insert "**prize payments**".

Page 4, line 6, delete "the prize." and insert "**a prize payment or payments**".

Page 4, line 9, after "prize" insert "**payment or payments**".  
 Page 4, line 10, after "for their" insert "**prize**".

Page 4, line 11, after "prize" insert "**payment or payments**".  
 Page 4, line 19, delete "prize;" and insert "**prize payment or payments**;"

Page 4, line 21, after "future" insert "**payment or**".  
 Page 4, line 21, after "after" delete "the" and insert "**a prize payment or**".

Page 4, line 29, after "prize" insert "**payment or payments**".  
 Page 4, line 31, after "prize" insert "**payment or payments**".

Page 4, line 33, after "of the" insert "**prize**".  
 Page 4, line 34, after "dates the" insert "**prize**".

Page 4, line 35, after "of the" insert "**prize**".  
 Page 5, line 7, delete "prize." and insert "**prize payment or payments**".

Page 5, line 17, after "prize" insert "**payment or payments**".  
 Page 5, line 20, after "prize" insert "**payment**".

Page 5, line 24, after "prize" insert "**payment or payments**".  
 Page 5, line 25, after "prize" insert "**payment or payments**".

Page 5, line 29, delete "additional" and insert "**prize**".  
 Page 5, line 30, delete "subject to an assignment" and insert "**assigned to another individual or entity**".

Page 5, line 32, after "prize" insert "**payment or payments**".  
 Page 5, line 33, after "prize" insert "**payment or payments**".

Page 5, line 38, delete "prize;" and insert "**prize payment or payments**;"

Page 5, line 42, delete "prize," and insert "**prize payment or payments**".

Page 6, line 3, after "of the" insert "**prize payment or**".  
 Page 6, line 4, after "of the" insert "**prize payment or**".

Page 6, line 5, after "of the" insert "**prize payment or**".  
 Page 6, line 24, after "prize" insert "**payment**".

Page 6, line 28, delete "assignor." and insert "**assignee**".  
 Page 6, line 29, after "prize" insert "**payment or payments**".

Page 6, line 32, delete "prize," and insert "**prize payment or payments**".

Page 6, line 35, after "9." insert "**(a)**".  
 Page 6, line 38, after "winner" insert ","

Page 6, line 40, delete "prizes," and insert "**prize payment or payments**".

Page 7, between lines 3 and 4, begin a new paragraph and insert: "**(b) If a determination letter, revenue ruling, other public ruling, or published decision is issued under subsection (a), the Internal Revenue Service or the court that issued the document shall send a certified copy of the document to the director of the commission.**"

(Reference is to ESB 312 as printed February 21, 2014.)  
 MCMILLIN

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 338**

Representative Turner called down Engrossed Senate Bill 338 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### **Engrossed Senate Bill 343**

Representative Cox called down Engrossed Senate Bill 343 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 343-1)

Mr. Speaker: I move that Engrossed Senate Bill 343 be amended to read as follows:

Page 10, after line 38, begin a new paragraph and insert:  
 "SECTION 3. IC 16-31-2-9, AS AMENDED BY P.L.77-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

(2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

(3) Training and certification standards for the administration of epinephrine through an auto-injector by an emergency medical technician.

(4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by an emergency medical technician or an emergency medical responder.

**(5) Protocols for persons who provide emergency medical services to notify law enforcement officials when services have been provided to an individual who has attempted to commit suicide and who has indicated that the attempt was due in part to bullying."**

(Reference is to ESB 343 as printed February 25, 2014.)

GOODIN

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 325: yeas 92, nays 0. Motion prevailed. The bill was ordered engrossed.

### **Engrossed Senate Bill 354**

Representative Hamm called down Engrossed Senate Bill 354 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 354-1)

Mr. Speaker: I move that Engrossed Senate Bill 354 be amended to read as follows:

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

"SECTION 1. IC 10-17-1-9, AS AMENDED BY P.L.144-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) A county executive:

(1) shall designate and may:

**(A) appoint a county service officer for a four (4) year term; or**

**(B) employ a county service officer; and**

(2) may employ service officer assistants; to serve the veterans of the county.

(b) The fiscal body of a city may provide for the employment by the mayor of a city service officer and service officer assistants to serve the veterans of the city.

(c) If the remuneration and expenses of a county or city service officer are paid from the funds of the county or city employing the service officer, the service officer shall:

(1) have the same qualifications and be subject to the same rules as the director, assistant director, and state

service officers of the Indiana department of veterans' affairs; and

(2) serve under the supervision of the director of veterans' affairs.

A service officer assistant must have the same qualifications as an employee described in section 11(b) of this chapter. A rule contrary to this subsection is void.

(d) County and city fiscal bodies may appropriate funds necessary for the purposes described in this section."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 354 as printed February 25, 2014.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 357**

Representative Clere called down Engrossed Senate Bill 357 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 357-1)

Mr. Speaker: I move that Engrossed Senate Bill 357 be amended to read as follows:

Page 6, between lines 36 and 37, begin a new paragraph and insert:

**"Sec. 16. (a) The state seed commissioner shall pay all fees collected under this chapter to the treasurer of Purdue University.**

**(b) The board of trustees of Purdue University shall expend the fees on proper vouchers filed with the treasurer of Purdue University. The treasurer shall pay vouchers for the following expenses:**

- (1) The employment of inspectors and seed analysts.**
- (2) Procuring samples.**
- (3) Printing bulletins giving the results of inspection.**
- (4) Any other expenses of the Purdue University agricultural programs authorized by law and for implementing this chapter.**

**(c) The dean of agriculture of Purdue University shall make and submit a financial report to the governor in such form as the state board of accounts requires, showing the total receipts and expenditures of all fees received under this chapter.**

**(d) Excess funds from the collection of fees under this chapter are subject to IC 15-16-2-36."**

(Reference is to ESB 357 as printed February 25, 2014.)

LEHE

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 363**

Representative Thompson called down Engrossed Senate Bill 363 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 363-1)

Mr. Speaker: I move that Engrossed Senate Bill 363 be amended to read as follows:

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

"SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.205-2013, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) After the end of each odd-numbered state fiscal year, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31 of each odd-numbered year.

(b) The office of management and budget may not consider a balance in the state tuition reserve fund established by ~~IC 4-12-1-15.7~~ following when making the calculation required by subsection (a):

- (1) A balance in the state tuition reserve fund**

**established by IC 4-12-1-15.7.**

**(2) An amount equal to the estimated revenue cost of the deduction provided by IC 6-3-2-22 (relating to unreimbursed education expenses for dependent children) during the biennium beginning on July 1 of the odd-numbered year.**

SECTION 2. IC 6-3-2-22, AS AMENDED BY P.L.229-2011, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 22. (a) The following definitions apply throughout this section:

(1) "Dependent child" means an individual who:

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

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

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

- (A) a private elementary or high school education program, **for taxable years beginning before January 1, 2015; or**
- (B) any elementary or high school education program in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school, **for taxable years beginning after December 31, 2014.**

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

(3) "Eligible taxpayer" for a specified taxable year means a taxpayer who is eligible to claim an exemption for a dependent child under Section 151 of the Internal Revenue Code for the specified taxable year.

~~(3) (4) "Private elementary or high school education program" means attendance at:~~

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

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

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

~~(e) (b) A~~ **Each taxable year, an eligible taxpayer who makes an unreimbursed education expenditure for a dependent child of the eligible taxpayer during the eligible taxpayer's taxable year is entitled to a deduction against the eligible taxpayer's adjusted gross income in for the taxable year.**

~~(d) (c)~~ The amount of the deduction is:

- (1) one thousand dollars (\$1,000); multiplied by
- (2) the number of the **eligible** taxpayer's dependent children for whom the taxpayer made education expenditures in the taxable year.

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

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

department."

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JANUARY 1, 2015] (a) **IC 6-3-2-22, as amended by this act, applies only to taxable years beginning after December 31, 2014.**

(b) **This SECTION expires July 1, 2018.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 363 as printed February 25, 2014.)

PORTER

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

#### APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Porter's amendment, Engrossed Senate Bill 363-01, violates Rule 80. The amendment addresses and is germane to the bill's subject matter of school finance.

PIERCE  
PORTER

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 326: yeas 61, nays 29. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Deputy Speaker Pro Tempore.

#### HOUSE MOTION (Amendment 363-2)

Mr. Speaker: I move that Engrossed Senate Bill 363 be amended to read 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 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 20-49-3-8, AS AMENDED BY P.L.205-2013, SECTION 307, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The fund may be used to make advances:

(1) to school corporations, including school townships, under IC 20-49-4 and IC 20-49-5; ~~and~~

(2) under IC 20-49-6; **and**

(3) **under IC 20-49-9.**

SECTION 4. IC 20-49-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

#### **Chapter 9. Advances from Common School Fund**

**Sec. 1. As used in this chapter, "advance" means an advance under this chapter from the fund.**

**Sec. 2. As used in this chapter, "fund" refers to the common school fund in the custody of the treasurer of state.**

**Sec. 3. The state board may advance money from the fund to eligible school corporations (as determined under section 5 of this chapter). A school corporation may use money advanced under this chapter for any lawful purpose of the school corporation.**

**Sec. 4. The maximum amount that may be advanced to a school corporation under this chapter is five million dollars (\$5,000,000).**

**Sec. 5. A school corporation is eligible for an advance under this chapter if the school corporation has sustained a revenue loss due to the application of the credit for excessive property taxes under IC 6-1.1-20.6 in any two (2) consecutive calendar years ending before January 1 of the calendar year in which the school corporation submits an**

**application for the advance.**

**Sec. 6. A school corporation desiring to obtain an advance must submit an application to the state board in the form established by the state board, after consulting with the department and the budget agency.**

**Sec. 7. The state board shall record the time each application is submitted for an advance under this chapter, and shall approve the applications, if they otherwise qualify, in the chronological order in which they are submitted. The board may not approve an application after the total amount of all advances approved equals the maximum amount of all advances specified by section 8 of this chapter.**

**Sec. 8. The maximum amount that may be advanced in aggregate to all school corporations under this chapter is ninety-one million two hundred thousand dollars (\$91,200,000).**

**Sec. 9. A school corporation shall repay money advanced under this chapter in twenty (20) annual installments. However, the school corporation is not required to pay interest on the advance. The annual payments are due on December 31 of:**

(1) **the calendar year following the calendar year in which the money is advanced to the school corporation; and**

(2) **each year thereafter.**

**Sec. 10. An advance is not an obligation of the school corporation within the meaning of the limitation on or prohibition against indebtedness under the Constitution of the State of Indiana. This chapter does not relieve the governing body of a school corporation receiving an advance of any obligation under Indiana law to qualify the school corporation for state tuition support. The school corporation shall continue to perform all acts necessary to obtain these funds.**

**Sec. 11. A school corporation to which an advance is made under this chapter may annually levy a property tax in the debt service fund to pay an annual installment of the advance.**

**Sec. 12. There is annually appropriated to the board from the fund an amount sufficient to make all advances approved under section 7 of this chapter in a particular year."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 363 as printed February 25, 2014.)

PORTER

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

There being no further amendments, the bill was ordered engrossed.

#### **Engrossed Senate Bill 367**

Representative Turner called down Engrossed Senate Bill 367 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 367-10)

Mr. Speaker: I move that Engrossed Bill 367 be amended to read as follows:

Page 70, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 61. IC 6-3.1-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]:

#### **Chapter 35. Child and Dependent Care Tax Credit**

**Sec. 1. As used in this chapter, "applicable percentage" has the meaning set forth in Section 21(a)(2) of the Internal Revenue Code.**

**Sec. 2. As used in this chapter, "eligible employment-related expenses" means the amount of employment-related expenses (as defined in Section 21(b)(2) of the Internal Revenue Code) that remains after applying the dollar limitations of Section 21(c) and Section 21(d) of the Internal Revenue Code.**

**Sec. 3. (a) Subject to subsection (b) and the special rules of Section 21(e) of the Internal Revenue Code, an individual may claim a credit under this chapter in each taxable year equal to the product of the following:**

- (1) Fifty percent (50%).
- (2) The applicable percentage.
- (3) The eligible employment-related expenses paid by the individual during the taxable year.

**(b) An individual whose federal adjusted gross income (as defined in Section 62 of the Internal Revenue Code) exceeds forty-five thousand dollars (\$45,000) for the taxable year is not eligible for the credit provided by this chapter.**

**Sec. 4. If the credit amount provided by this chapter exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the department shall refund the excess to the taxpayer.**

**Sec. 5. To obtain a credit under this chapter, a taxpayer must claim the credit in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines to be necessary for the calculation of the credit provided by this chapter."**

Page 97, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 82. [EFFECTIVE JANUARY 1, 2015] (a) IC 6-3-1-35, as added by this act, applies only to taxable years beginning after December 31, 2014.

(b) This SECTION expires January 1, 2018."

Renumber all SECTIONS consecutively.

(Reference is to ESB 367 as printed February 25, 2014.)

KLINKER

Upon request of Representatives Pelath and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 327: yeas 36, nays 58. Motion failed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION  
(Amendment 367-1)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 80, delete lines 23 through 42.

Page 81, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to ESB 367 as printed February 25, 2014.)

VANNATTER

Motion prevailed.

HOUSE MOTION  
(Amendment 367-11)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 63, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 40. IC 6-3-2-2, AS AMENDED BY P.L.233-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

- (1) income from real or tangible personal property located in this state;

- (2) income from doing business in this state;
- (3) income from a trade or profession conducted in this state;
- (4) compensation for labor or services rendered within this state; and
- (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property to the extent that the income is apportioned to Indiana under this section or if the income is allocated to Indiana or considered to be derived from sources within Indiana under this section.

Income from a pass through entity shall be characterized in a manner consistent with the income's characterization for federal income tax purposes and shall be considered Indiana source income as if the person, corporation, or pass through entity that received the income had directly engaged in the income producing activity. Income that is derived from one (1) pass through entity and is considered to pass through to another pass through entity does not change these characteristics or attribution provisions. In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter), only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (r) is considered derived from sources within Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by the following:

- (1) For all taxable years that begin after December 31, 2006, and before January 1, 2008, a fraction. The:
  - (A) numerator of the fraction is the sum of the property factor plus the payroll factor plus the product of the sales factor multiplied by three (3); and
  - (B) denominator of the fraction is five (5).
- (2) For all taxable years that begin after December 31, 2007, and before January 1, 2009, a fraction. The:
  - (A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and
  - (B) denominator of the fraction is six and sixty-seven hundredths (6.67).
- (3) For all taxable years beginning after December 31, 2008, and before January 1, 2010, a fraction. The:
  - (A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eight (8); and
  - (B) denominator of the fraction is ten (10).
- (4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a fraction. The:
  - (A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and
  - (B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning after December 31, 2010, the sales factor.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

- (1) the individual's service is performed entirely within the state;
- (2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or
- (3) some of the service is performed in this state and:
  - (A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or
  - (B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter. Regardless of the f.o.b. point or other conditions of the sale, sales of tangible personal property are in this state if:

- (1) the property is delivered or shipped to a purchaser that is within Indiana, other than the United States government; or
- (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and:
  - (A) the purchaser is the United States government; or
  - (B) the taxpayer is not taxable in the state of the purchaser.

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than receipts from intangible property covered by subsection (e), ~~and~~ sales of tangible personal property, ~~and~~ sales covered by subsection (t), are in this state if:

(1) the income-producing activity is performed in this state; or

(2) the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

- (i) if and to the extent that the property is utilized in this state; or
- (ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

- (i) the property had a situs in this state at the time of the sale; or
- (ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

- (i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or
- (ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) separate accounting;
- (2) for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of the factors, except the sales factor;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

- (1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or
- (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

- (1) a foreign corporation; or
- (2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.

(r) This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

- (1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and
- (2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for

insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's annual statement filed with the department of insurance.

(s) This subsection applies to receipts derived from motorsports racing.

(1) Any purse, prize money, or other amounts earned for placement or participation in a race or portion thereof, including qualification, shall be attributed to Indiana if the race is conducted in Indiana.

(2) Any amounts received from an individual or entity as a result of sponsorship or similar promotional consideration for one (1) or more races shall be in this state in the amount received, multiplied by the following fraction:

(A) The numerator of the fraction is the number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year and that occur in Indiana.

(B) The denominator of the fraction is the total number of racing events for which sponsorship or similar promotional consideration has been paid in a taxable year.

(3) Any amounts earned as an incentive for placement or participation in one (1) or more races and that are not covered under subdivisions (1) or (2) or under IC 6-3-2-3.2 shall be attributed to Indiana in the proportion of the races that occurred in Indiana.

This subsection, as enacted in 2013, is intended to be a clarification of the law and not a substantive change in the law.

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

**(1) "Broadcaster" means a taxpayer that is a television or radio station licensed by the Federal Communications Commission, a television or radio broadcast network, a cable program network, or a television distribution company. The term "broadcaster" does not include a cable service provider or a direct broadcast satellite system.**

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

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

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

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

artistic works."

Page 97, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 81. [EFFECTIVE JANUARY 1, 2015] (a) **IC 6-3-2-2, as amended by this act, applies to taxable years beginning after December 31, 2014.**

(b) **This SECTION expires July 1, 2017.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 367 as printed February 25, 2014.)

KARICKHOFF

Motion prevailed.

HOUSE MOTION  
(Amendment 367-4)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 25, line 35, delete "2013," and insert "**2008,**"

Page 26, line 16, after "Indiana" delete "." and insert "**unless the leased property is considered a homestead under section 37.7 of this chapter.**"

Page 26, line 17, after "subsection" insert "**or section 37.7 of this chapter**".

Page 26, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 18. IC 6-1.1-12-37.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 37.7. (a) This section applies to an assessment date occurring after December 31, 2008, and before January 1, 2014.**

(b) **Property that is:**

(1) **otherwise considered a homestead under section 37(s) of this chapter; and**

(2) **leased by the individual owning the property to an individual who uses the property for residential purposes while the owner is serving on active duty in the armed forces of the United States at a location outside Indiana;**

**is considered a homestead for an assessment date described in subsection (a).**

(c) **Subject to subsection (d), an individual whose property is considered a homestead under subsection (b) is entitled to a refund of the property taxes, interest, and penalties paid with respect to an assessment date described in subsection (a) that were due and payable because the property was not treated as a homestead on the assessment date.**

(d) **An owner who wishes to obtain a refund under this section must file a refund claim under IC 6-1.1-26 before the later of:**

(1) **three (3) years after the due date of the taxes for which the individual claims a refund; or**

(2) **September 1, 2014.**

**The county auditor may make a determination that any refund due under this section must be paid in two (2) or more equal annual installments.**

(e) **This section expires January 1, 2018.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 367 as printed February 25, 2014.)

TRUITT

Motion prevailed.

HOUSE MOTION  
(Amendment 367-9)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 83, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 72. IC 6-9-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5. (a) When the tax is levied under section 3 of this chapter, there is created a**

**seven (7) member visitor and convention commission (referred to as the commission in this chapter) to promote the development and growth of the convention and visitor industry in the county.**

(b) **The executive of the city with the largest population in the county shall appoint five (5) members of the commission as follows:**

(1) **Two (2) members must be engaged in the lodging business in the county.**

(2) **Two (2) members must be engaged in business in the county.**

(3) **One (1) member must be engaged in the ~~travel business in the county~~ **tourism and hospitality industry.****

(c) **The county fiscal body shall appoint two (2) members of the commission. Each member must be engaged in business in the county.**

(d) **All terms of office of commission members begin on January 1. Members of the commission serve terms of two (2) years. A member whose term expires may be reappointed to serve another term. If an initial appointment is not made by February 1 or a vacancy is not filled within thirty (30) days, the commission shall appoint a member by majority vote to serve for the remainder of the term.**

(e) **A member of the commission may be removed for cause by his appointing authority.**

(f) **Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.**

(g) **Each commission member, before taking office, shall take an oath of office in the usual form, to be endorsed upon the member's certificate of appointment and promptly filed with the clerk of the circuit court of the county.**

(h) **The commission shall meet after January 1 each year for the purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.**

SECTION 73. IC 6-9-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3. (a) The fiscal body of a county may levy a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days, any room or rooms, lodgings, or accommodations in any:**

(1) **hotel;**

(2) **motel;**

(3) **boat motel;**

(4) **inn;**

(5) **college or university memorial union;**

(6) **college or university residence hall or dormitory; or**

(7) **tourist cabin; or**

(8) **other place in which rooms, lodgings, or accommodations are regularly furnished for consideration;**

located in the county.

(b) **The tax does not apply to gross income received in a transaction in which:**

(1) **a student rents lodgings in a college or university residence hall while that student participates in a course of study for which the student receives college credit from a college or university located in the county; or**

(2) **a person rents a room, lodging, or accommodations for a period of thirty (30) days or more.**

(c) **The tax may not exceed the rate of five percent (5%) on the gross retail income derived from lodging income only and is in addition to the state gross retail tax imposed under**

IC 6-2.5.

(d) The county fiscal body may adopt an ordinance to require that the tax be reported on forms approved by the county treasurer and that the tax shall be paid monthly to the county treasurer. If such an ordinance is adopted, the tax shall be paid to the county treasurer not more than twenty (20) days after the end of the month the tax is collected. If such an ordinance is not adopted, the tax shall be imposed, paid, and collected in exactly the same manner as the state gross retail tax is imposed, paid, and collected under IC 6-2.5.

(e) All of the provisions of IC 6-2.5 relating to rights, duties, liabilities, procedures, penalties, definitions, exemptions, and administration are applicable to the imposition and administration of the tax imposed under this section except to the extent those provisions are in conflict or inconsistent with the specific provisions of this chapter or the requirements of the county treasurer. If the tax is paid to the department of state revenue, the return to be filed for the payment of the tax under this section may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax as the department of state revenue may, by rule, determine.

(f) If the tax is paid to the department of state revenue, the amounts received from the tax imposed under this section shall be paid monthly by the treasurer of state to the county treasurer upon warrants issued by the auditor of state."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 367 as printed February 25, 2014.)  
MCMILLIN

Motion prevailed.

HOUSE MOTION  
(Amendment 367-8)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 6, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-4-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 43. The assessed value of residential real property or a mobile home that is not assessed as real property is not to be increased as a result of an improvement that:**

- (1) consists of a solar, wind, geothermal, or hydroelectric heating or cooling system; and
- (2) replaces an existing heating or cooling system."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 367 as printed February 25, 2014.)  
THOMPSON

Motion prevailed.

HOUSE MOTION  
(Amendment 367-5)

Mr. Speaker: I move that Engrossed Senate Bill 367 be amended to read as follows:

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 2. IC 4-33-12.5-6, AS AMENDED BY P.L.205-2013, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 6. (a) The county described in IC 4-33-12-6(d) shall distribute twenty-five percent (25%) of the:

- (1) admissions tax revenue received by the county under IC 4-33-12-6(d)(2); ~~and~~
- (2) supplemental distributions received under IC 4-33-13-5; ~~and~~
- (3) distribution received under IC 6-3.1-20-7(e);

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current

certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

- (1) The certification from any decennial census completed by the United States Bureau of the Census.
- (2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

- (1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and
- (2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

SECTION 3. IC 4-33-12.5-7, AS AMENDED BY P.L.205-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days after the county receives **from the state:**

- (1) the quarterly distribution of admission tax revenue under IC 4-33-12-6; ~~or~~
- (2) the supplemental distributions received under IC 4-33-13-5; ~~from the state; or~~
- (3) **the distribution made under IC 6-3.1-20-7(e).**"

Page 68, line 14, delete "paid to the northwest Indiana regional development" and insert "**distributed under subsection (e)**".

Page 68, line 15, delete "authority established by IC 36-7.5-2-1".

Page 68, line 15, after "of" insert "**being paid to**".

Page 68, line 16, delete "Any amount paid under this subsection shall be used by the".

Page 68, delete lines 17 through 18, begin a new paragraph and insert:

"(e) **The difference determined under subsection (d) must be distributed as follows:**

- (1) Fifty percent (50%) to Lake County.
- (2) Fifty percent (50%) in equal amounts to the following cities:
  - (A) Hammond.
  - (B) Gary.
  - (C) East Chicago.

**Amounts distributed under this section must be used in accordance with IC 4-33-12 and IC 4-33-12.5.**"

Renumber all SECTIONS consecutively.  
(Reference is to ESB 367 as printed February 25, 2014.)  
C. BROWN

Motion failed. The bill was ordered engrossed.

**Engrossed Senate Bill 406**

Representative Clere called down Engrossed Senate Bill 406 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 406-1)

Mr. Speaker: I move that Engrossed Senate Bill 406 be amended to read as follows:

Page 23, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 28. IC 12-12-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **(a) Except as provided in subsection (b)**, all reports filed under this chapter shall be kept confidential and used solely to determine the eligibility of the individuals for assistance or rehabilitation.

**(b) The office of the secretary shall provide a copy of a report under this chapter for a child less than five (5) years of age to the state department of health for inclusion in the birth problems registry established under IC 16-38-4-8."**

Page 30, delete lines 6 through 8.

Page 31, line 1, strike "and".

Page 31, line 15, delete "." and insert "; and

**(3) information reported to the state department by the office of the secretary under IC 12-12-9-3 concerning a child who is less than five (5) years of age and diagnosed with a visual impairment or blindness."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 406 as printed February 24, 2014.)

CLERE

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 421

Representative McMillin called down Engrossed Senate Bill 421 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 421-1)

Mr. Speaker: I move that Engrossed Senate Bill 421 be amended to read as follows:

Page 15, line 39, strike "January" and insert "**July**".

Page 17, line 28, delete "December 31, 2014." and insert "**June 30, 2015.**".

Page 17, line 35, delete "December 31, 2014, and insert "**June 30, 2015.**".

Page 17, line 41, delete "December 31, 2014," and insert "**June 30, 2015.**".

(Reference is to ESB 421 as printed February 25, 2014.)

LEHE

Motion prevailed.

HOUSE MOTION  
(Amendment 421-2)

Mr. Speaker: I move that Engrossed Senate Bill 421 be amended to read as follows:

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

SECTION 1. IC 6-1.1-28-1, AS AMENDED BY P.L.182-2009(ss), SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. At the election of the board of commissioners of the county, a county property tax assessment board of appeals may consist of three (3) or five (5) members appointed in accordance with this section.

(b) This subsection applies to a county in which the board of commissioners elects to have a five (5) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (g) and (h), the board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) members may be of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board

of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(c) This subsection applies to a county in which the board of commissioners elects to have a three (3) member county property tax assessment board of appeals. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (g) and (h), the fiscal body of the county shall appoint one (1) individual to the board. The member appointed by the county fiscal body must be a certified level two or level three assessor-appraiser. **The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser.** Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than two (2) of the three (3) members may be of the same political party and so that at least two (2) of the three (3) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser. The board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two or level three assessor-appraiser.

(d) A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a nonvoting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two or level three assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(e) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (b) or (c) that not more than three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two or level three Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection (b) or (c).

(f) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two or level three Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) or two (2) of the three (3) members of the county property tax assessment board of appeals be residents of the county.

(g) Except as provided in subsection (f), the term of a member of the county property tax assessment board of appeals appointed under this section:

- (1) is one (1) year; and
- (2) begins January 1.

(h) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under this section expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

(i) An:

- (1) employee of the township assessor or county assessor; or
- (2) appraiser, as defined in IC 6-1.1-31.7-1;

may not serve as a voting member of a county property tax assessment board of appeals in a county where the employee or appraiser is employed.

SECTION 2. IC 6-1.1-35.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

**Chapter 35.7. Assessor, Appraiser, and Tax Representative Standards of Conduct**

**Sec. 1.** As used in this chapter, "appraiser" has the meaning set forth in IC 6-1.1-31.7-1.

**Sec. 2.** As used in this chapter, "tax representative" means a person who represents another person at a proceeding before the property tax assessment board of appeals or the department. The term does not include:

- (1) the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) that is the subject of the appeal;
- (2) a permanent full-time employee of the owner of the property (or person liable for the taxes under IC 6-1.1-2-4) who is the subject of the appeal;
- (3) a representative of a local unit of government appearing on behalf of the unit;
- (4) a certified public accountant, when the certified public accountant is representing a client in a matter that relates only to personal property taxation; or
- (5) an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted leave by the department to appear pro hac vice.

**Sec. 3. (a)** An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall adhere to the Uniform Standards of Professional Appraisal Practice in the performance of the individual's duties.

**(b)** An individual who is a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser shall not do any of the following:

- (1) Conduct an assessment that includes the reporting of a predetermined opinion or conclusion.
- (2) Misrepresent the individual's role when providing valuation services that are outside the practice of property assessment.
- (3) Communicate assessment results with the intent to mislead or defraud.
- (4) Communicate a report that the individual knows is misleading or fraudulent.
- (5) Knowingly permit an employee or other person to communicate a misleading or fraudulent report.
- (6) Engage in criminal conduct.
- (7) Willfully or knowingly violate the requirements of IC 6-1.1-35-9.
- (8) Perform an assessment in a grossly negligent manner.
- (9) Perform an assessment with bias.
- (10) Advocate for an assessment. However, this subdivision does not prevent a township assessor, a county assessor, an employee of the county assessor or township assessor, or an appraiser from defending or explaining the accuracy of an assessment and any

corresponding methodology used in the assessment at a preliminary informal hearing, during settlement discussions, at a public hearing, or at the appellate level.

**Sec. 4. (a)** A township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser:

- (1) must be competent to perform a particular assessment;
- (2) must acquire the necessary competency to perform the assessment; or
- (3) shall contract with an appraiser who demonstrates competency to do the assessment.

**(b)** The department may revoke the certification of a township assessor, a county assessor, an employee of the township assessor or county assessor, or an appraiser under 50 IAC 15 for gross incompetence in the performance of an assessment.

**(c)** An individual whose certification is revoked by the department under subsection (b) may appeal the department's decision to the certification appeal board established under subsection (d). A decision of the certification appeal board may be appealed to the tax court in the same manner that a final determination of the department may be appealed under IC 33-26.

**(d)** The certification appeal board is established for the sole purpose of conducting appeals under this section. The board consists of the following seven (7) members:

- (1) Two (2) representatives of the department appointed by the commissioner of the department.
- (2) Two (2) individuals appointed by the governor. The individuals must be township or county assessors.
- (3) Two (2) individuals appointed by the governor. The individuals must be licensed appraisers.
- (4) One (1) individual appointed by the governor. The individual must be a resident of Indiana.

The commissioner of the department shall designate a member appointed under subdivision (1) as the chairperson of the board. Not more than four (4) members of the board may be members of the same political party. Each member of the board serves at the pleasure of the appointing authority.

**(e)** The certification appeal board shall meet as often as is necessary to properly perform its duties. Each member of the board is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

**Sec. 5. (a)** The department may revoke a certification issued under 50 IAC 15 for not more than three (3) years if the department determines by a preponderance of the evidence that the township assessor, county assessor, employee of the township assessor or county assessor, or appraiser violated any provision of this chapter.

**(b)** If an appraiser's certification is revoked:

- (1) any contract for appraisal of property in Indiana that the appraiser has entered into is void; and
- (2) the appraiser may not receive any additional payments under the contract.

**(c)** A contract entered into by an appraiser for appraisal of property in Indiana must contain a provision specifying that the contract is void if the appraiser's certification is revoked under this chapter.

**Sec. 6.** A tax representative may not do any of the following:

(1) Use or participate in the use of any false, fraudulent, unduly influencing, coercive, unfair, misleading, or deceptive statement or claims with respect to any matter relating to the practice before the property tax assessment board of appeals or the department.

(2) Knowingly misrepresent any information or act in a fraudulent manner.

(3) Prepare documents or provide evidence in a property assessment appeal unless the representative is authorized by the property owner (or person liable for the taxes under IC 6-1.1-2-4) to do so and any required authorization form has been filed.

(4) Knowingly submit false or erroneous information in a property assessment appeal.

(5) Knowingly fail to use the appraisal standards and methods required by rules adopted by the department, Indiana board, or property tax assessment board of appeals when the representative submits appraisal information in a property assessment appeal.

(6) Knowingly fail to notify the property owner (or person liable for the taxes under IC 6-1.1-2-4) of all matters relating to the review of the assessment of taxpayers' property before the property tax assessment board of appeals or the department, including, but not limited to, the following:

(A) The tax representative's filing of all necessary documents, correspondence, and communications with the property tax assessment board of appeals or department.

(B) The dates and substance of all hearings, onsite inspections, and meetings.

Sec. 7. The department may revoke the certification of a tax representative for the following:

(1) Violation of any rule applicable to certification or practice before the department, the Indiana board, or the property tax assessment board of appeals.

(2) Gross incompetence in the performance of practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(3) Dishonesty, fraud, or material deception committed while practicing before the property tax assessment board of appeals, the department, or the Indiana board.

(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates.

(5) Violation of the standards of ethics or rules of solicitation adopted by the department."

Delete pages 2 through 3.

Page 4, delete lines 1 through 30.

Renumber all SECTIONS consecutively.

(Reference is to ESB 421 as printed February 25, 2014.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 422

Representative Clere called down Engrossed Senate Bill 422 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 422-2)

Mr. Speaker: I move that Engrossed Bill 422 be amended to read as follows:

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-24-2, AS AMENDED BY P.L.56-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice

shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) the greater of twenty-five dollars (\$25) or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ~~ten five percent (10%)~~ (5%) per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ~~ten five percent (10%)~~ (5%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, or the county assessor if there is no township assessor for the township, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(7) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property

for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be:

(i) filed with the court; and

(ii) served on the county auditor and the county treasurer;

before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the county auditor and the county treasurer are entitled to receive all pleadings, motions, petitions, and other filings related to the defense to the application for judgment.

(D) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. Whenever the public auction is to be conducted as an electronic sale, the notice must include a statement indicating that the public auction will be conducted as an electronic sale and a description of the procedures that must be followed to participate in the electronic sale.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.

(15) With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances in which penalties on the delinquent taxes and special assessments will be waived.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the

same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person."

Page 7, line 22 after "of" insert "**good standing or**".

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-25-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) If, before the court issues an order directing the county auditor to issue a tax deed to a tract or item of real property sold under IC 6-1.1-24, it is found by the county auditor and the county treasurer that the sale was invalid, the county auditor shall refund:

(1) the purchase money and all taxes and special assessments on the property paid by the purchaser, the purchaser's assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 after the tax sale plus ~~six~~ **five** percent ~~(6%)~~ **(5%)** interest per annum; and

(2) subject to any limitation under section 2.5 of this chapter, any costs paid by the purchaser, the purchaser's assigns, or the purchaser of the certificate of sale under IC 6-1.1-24 under section 2 of this chapter;

from the county treasury to the purchaser, the purchaser's successors or assigns, or the purchaser of the certificate of sale under IC 6-1.1-24. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24-6.

(b) A political subdivision shall reimburse the county for interest paid by the county under subsection (a) if:

(1) the invalidity of the sale under IC 6-1.1-24 resulted from the failure of the political subdivision to give adequate notice of a lien to property owners; and

(2) the existence of the lien resulted in the sale of the property under IC 6-1.1-24."

Page 19, line 39, strike "six" and insert "**five**".

Page 19, line 39, strike "(6%)" and insert "**(5%)**".

Page 20, line 16, delete "and the county auditor collects the" and insert ".".

Page 20, delete line 17.

Re-number all SECTIONS consecutively.

(Reference is to ESB 422 as printed February 25, 2014.)

CLERE

Motion prevailed.

#### HOUSE MOTION (Amendment 422-5)

Mr. Speaker: I move that Engrossed Senate Bill 422 be amended to read as follows:

Page 3, line 27, strike "(or county executive, in the case of property described)".

Page 3, line 28, strike "in subdivision (2))".

Page 23, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 19. IC 32-30-10.6-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. As used in this chapter, "executive of a county" in a county containing a consolidated city means the executive of the consolidated city.**"

Page 23, line 35, after "by" insert "**the executive of**".

Page 23, line 38, after "IC 6-1.1-24-1.5, the" insert "**executive of the**".

Re-number all SECTIONS consecutively.

(Reference is to ESB 422 as printed February 25, 2014.)

MOED

Motion prevailed.

HOUSE MOTION  
(Amendment 422-3)

Mr. Speaker: I move that Engrossed Senate Bill 422 be amended to read as follows:

Page 3, line 17, delete "The" and insert "A".  
Page 3, line 18, delete "The" and insert "A".  
Page 3, line 19, delete "The" and insert "A".  
Page 13, line 31, delete "six (6)" and insert "**seven (7)**".  
(Reference is to ESB 422 as printed February 25, 2014.)  
MACER

Motion failed. The bill was ordered engrossed.

**Engrossed Senate Bill 4**

Representative Frye called down Engrossed Senate Bill 4 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 4-1)

Mr. Speaker: I move that Engrossed Senate Bill 4 be amended to read as follows:

Page 4, line 14, delete "The director may issue to" and insert "**Subject to the commission adopting fees under subsection (b), the department may issue to residents of Indiana lifetime licenses to hunt, fish, or trap.**

**(b) The commission may adopt rules under IC 4-22-2 and IC 14-10-2-4 to establish fees for lifetime licenses to hunt, fish, or trap."**

Page 4, delete lines 15 through 42.  
Page 5, delete lines 1 through 32.  
(Reference is to ESB 4 as printed February 24, 2014.)  
EBERHART

Motion prevailed. The bill was ordered engrossed.

Representative Huston is now excused

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 138**

Representative Kubacki called down Engrossed Senate Bill 138 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil 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 328: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Lawson is now excused.

**Engrossed Senate Bill 60**

Representative Steuerwald called down Engrossed Senate Bill 60 for third reading:

A BILL FOR AN ACT concerning courts and court officers.

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

Roll Call 329: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 139**

Representative Bacon called down Engrossed Senate Bill 139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code

concerning health.

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

Roll Call 330: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 158**

Representative T. Brown called down Engrossed Senate Bill 158 for third reading:

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

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

Roll Call 331: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 160**

Representative T. Brown called down Engrossed Senate Bill 160 for third reading:

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

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

Roll Call 332: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 161**

Representative Turner called down Engrossed Senate Bill 161 for third reading:

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

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

Roll Call 333: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 169**

Representative McMillin called down Engrossed Senate Bill 169 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 334: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 220**

Representative Lehman called down Engrossed Senate Bill 220 for third reading:

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

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

Roll Call 335: yeas 94, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative V. Smith is now excused.

#### **Engrossed Senate Bill 233**

Representative Davisson called down Engrossed Senate Bill 233 for third reading:

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

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

Roll Call 336: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 235**

Representative Steuerwald called down Engrossed Senate Bill 235 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 337: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 248**

Representative Clere called down Engrossed Senate Bill 248 for third reading:

A BILL FOR AN ACT concerning human services.

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

Roll Call 338: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 271**

Representative Koch called down Engrossed Senate Bill 271 for third reading:

A BILL FOR AN ACT concerning natural resources.

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

Roll Call 339: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 291**

Representative Cox called down Engrossed Senate Bill 291 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 340: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 308**

Representative Ober called down Engrossed Senate Bill 308 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 341: yeas 58, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Lehman is now excused.

#### **Engrossed Senate Bill 321**

Representative Behning called down Engrossed Senate Bill 321 for third reading:

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

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

Roll Call 342: yeas 86, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 330**

Representative Heuer called down Engrossed Senate Bill 330 for third reading:

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

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

Roll Call 343: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **HOUSE MOTION**

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 3, 2014, at 1:00 p.m.

FRIEND

The motion was adopted by a constitutional majority.

#### **OTHER BUSINESS ON THE SPEAKER'S TABLE**

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Morris be added as cosponsor of Engrossed Senate Bill 91.

THOMPSON

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Speedy be added as cosponsor of Engrossed Senate Bill 229.

EBERHART

#### **HOUSE MOTION**

Mr. Speaker: I move that Representatives C. Brown, Davisson and Shackelford be added as cosponsors of Engrossed Senate Bill 248.

CLERE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett and Hale be added as coauthor of House Resolution 16.

KOCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as coauthor of House Resolution 21.

KOCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Goodin and Lucas be added as cosponsor of Senate Concurrent Resolution 8.

KOCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be removed as first sponsor and Representative V. Smith be substituted therefor and Representative C. Brown be added as cosponsor of Senate Concurrent Resolution 24.

C. BROWN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Senate Joint Resolution 9.

MESSMER

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 27, 34, 45, 46, 47, 48 and 50 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 19, 33, 34 and 36 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative VanNatter, the House adjourned at 5:35 p.m., this twenty-seventh day of February, 2014, until Monday, March 3, 2014, at 1:00 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives