



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Thirty-third Day

Thursday Morning

March 19, 2015

The invocation was offered by Pastor Sid Dye of Salem First Christian Church in Salem, a guest of Representative Steven J. Davisson.

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 Donna Schaibley.

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

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

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 297: 88 present; 12 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:07 a.m. with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 44

Representatives Arnold, Davisson and Koch introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION congratulating Hoosier Uplands Economic Development Corporation on the occasion of its 50th anniversary.

Whereas, Hoosier Uplands Economic Development Corporation, Mitchell, was incorporated as a nonprofit 501(c)3 Community Action Agency in 1966 with the mission "to plan, implement or cause to be implemented, and provide comprehensive services to the poor, elderly, and disabled";

Whereas, Hoosier Uplands Economic Development Corporation serves as an Area Agency on Aging, Community Action Agency, licensed Home Health Care and Hospice Agency, and Community Housing Development Organization;

Whereas, Hoosier Uplands Economic Development Corporation has successfully provided needed services and affordable housing since the 1960s in several southern Indiana counties;

Whereas, Hoosier Uplands Economic Development Corporation has been a certified Community Housing Development Organization since 1993 and has successfully developed and managed affordable rental housing;

Whereas, Hoosier Uplands has also been involved with many other programs, including Drug-Free Communities, Indiana Tobacco Prevention and Cessation, a women's health diabetes grant, Area Health Education Center, RAED, and Respect;

Whereas, Dedicated to helping people help themselves and each other, Hoosier Uplands Economic Development Corporation mainly serves Crawford, Lawrence, Martin, Orange, and Washington counties in southern Indiana; and

Whereas, Hoosier Uplands Economic Development Corporation is acutely aware of the value of each person and its responsibility to the people it serves: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks Hoosier Uplands Economic Development Corporation for its dedication to helping the poor, elderly, and disabled.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to John Fultz, Chairman of the Hoosier Uplands Economic Development Corporation board.

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

House Concurrent Resolution 45

Representatives Arnold, Bacon and Braun introduced House Concurrent Resolution 45:

A CONCURRENT RESOLUTION congratulating TRI-CAP on the occasion of its 50th anniversary.

Whereas, On August 20, 1964, President Johnson signed Public Law 88-452, the Economic Opportunity Act of 1964, authorizing the formation of local Community Action Agencies as part of the War on Poverty;

Whereas, Dubois Pike Warrick Economic Opportunity Committee, Inc. d/b/a TRI-CAP is the local community action agency for Pike and Dubois counties;

Whereas, TRI-CAP provides valuable services and assistance to individuals and families, most of whom are low income, and empowers people to accept responsibility for achieving personal and economic well-being by providing them with health, housing, and educational services;

Whereas, TRI-CAP has been helping people in southwest Indiana improve their lives since 1966;

Whereas, TRI-CAP services include a variety of programs such as family planning, breast cancer treatment assistance, school-based wellness services, Head Start preschool and childcare, volunteer placement, Healthy Families parenting education and referrals, affordable senior and family housing, foreclosure prevention, homeowner rehabilitation, weatherization, energy assistance, emergency housing and utility assistance, lead-based paint assessment and removal, Individual Development Account asset building services for low income individuals, and family development services, including goal setting and mentoring for individuals and families to move them from crisis to stability through a variety of supportive networks, including employment and educational services;

Whereas, TRI-CAP services are designed to meet a client's immediate crises and to empower them to move beyond poverty; and

Whereas, It is fitting that we recognize the fine work TRI-CAP has accomplished over the past 50 years and congratulate TRI-CAP on the 50th anniversary of its founding: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks the Dubois Pike Warrick Economic Opportunity Committee, Inc. d/b/a TRI-CAP for its dedicated service to the poor in Pike and Dubois counties.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dubois

Pike Warrick Economic Opportunity Committee, Inc. d/b/a TRI-CAP.

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

House Concurrent Resolution 46

Representatives Saunders, Speedy, Bacon, Steuerwald, Truitt, Mahan, Gutwein, Lehe, Lehman, Karickhoff, VanNatter, Nisly, Lucas, Kirchofer, Lawson, Leonard, Aylesworth, Beumer, Braun, Goodin, Pierce, Baird, Dermody, Olthoff, Clere, Wright, Pelath, Hale, Frizzell, McMillin, Fine, Richardson, Judy, Morrison, Bauer, Bartlett, Harris and Moseley introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION recognizing the Indiana Historical Bureau on the occasion of 100 years of marking Hoosier history.

Whereas, March 8, 2015, marks the 100th anniversary of the establishment of the Indiana Historical Commission by the Indiana General Assembly;

Whereas, The Indiana Historical Commission was established to prepare and execute plans for the 1916 centennial celebration of Indiana's admission to statehood in 1816, leaving lasting legacies including the establishment of the state parks system, the official Indiana state flag, the Centennial Medal, documentary publications in its Indiana Historical Collections, beginning in 1916 with two volumes of Constitution Making in Indiana, and the encouragement of local programs, buildings, parks, and more throughout the state;

Whereas, In April 1925, the commission's activities became the mandate of the Indiana Historical Bureau, part of the Indiana Library and Historical Department, created by the Indiana General Assembly;

Whereas, For decades the Indiana Historical Bureau has collaborated with state and local entities to provide programs, publications, exhibitions, educator resources, and support to historical organizations and the public;

Whereas, The Indiana Historical Bureau has enabled historical signage on a broad range of topics in Indiana history since 1936, and, since 1946, the Indiana Historical Bureau has installed over 500 state historical markers throughout Indiana;

Whereas, Indiana State historical markers serve as a tangible reminder of the history of Hoosier communities, as an educational tool, and as a tourist destination; and

Whereas, The bureau and its statewide partners continue to work to celebrate and mark Hoosier history as we approach the bicentennial of statehood in 2016: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Indiana Historical Bureau on the occasion of the 100th anniversary of its establishment and acknowledges its many years of service to the state of Indiana and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Indiana Library and Historical Board president Robert Barcus.

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

House Resolution 29

Representative M. Smith introduced House Resolution 29:

A HOUSE RESOLUTION congratulating the Columbus North High School girls basketball team.

Whereas, The Columbus North Bulldogs won their first girls Class 4A basketball state title by defeating the Homestead Spartans 62-56;

Whereas, The second-ranked Columbus North Bulldogs were making their second state finals appearance in four seasons;

Whereas, Columbus North finished the season with 25 consecutive victories for a 28-1 record;

Whereas, Coach Pat McKee is 118-16 in five seasons as the head coach of the Bulldogs;

Whereas, Columbus North trailed by six at the half after shooting just 29.4 percent from the field and fell behind by 11 after Homestead scored the first five points of the second half;

Whereas, Ali Patberg gave Columbus North its first lead when her 3-point shot hit the mark with three seconds remaining in the third quarter;

Whereas, Columbus North put the finishing touches on a 16-3 run to lead by seven with 6:40 left in the game;

Whereas, Maliah Howard-Bass contributed 13 points for Columbus North, including seven in the final 3.5 minutes, and Sheyanne Street added 12 points;

Whereas, The Executive Committee of the Indiana High School Athletic Association named Ali Patberg, who scored 31 points, the winner of the Patricia L. Roy Mental Attitude Award in Class 4A Girls Basketball;

Whereas, Ali Patberg ranks in the top five percent of her class, is a member of many organizations and an active volunteer in the community, and has created "A Lasting Impact," aka ALI, to assist a local woman with medical bills; and

Whereas, Outstanding accomplishments such as this merit 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 the Columbus North High School girls basketball team on its Class 4A state title and wishes the players continued success both on and off the court.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each team member; Head Coach Pat McKee; Assistant Coaches RaNae Isaak, Ron Patberg, Brett White, Alan Vickrey, Ashley Slate, Jennifer Monroe, and Karen McCaa; Athletic Director Jeff Hester; Principal David Clark; and Superintendent Dr. John Quick.

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

House Resolution 30

Representatives Lehe, Friend, Niezgodski and Gutwein introduced House Resolution 30:

A HOUSE RESOLUTION supporting the use of "sound science" in evaluating crop protection chemistries and nutrients.

Whereas, A sustainable agricultural system in the United States is critical to the continued production of food, feed, and fiber to meet both domestic and global demands;

Whereas, The treatment, prevention, and control of agricultural pests is critically important to the health and welfare of our residents and the safety of our global food, feed, and fiber supply;

Whereas, The availability of modern agricultural technologies such as precision farming equipment, crop protection chemistries, genetically engineered or enhanced traits, and agricultural nutrients are critically important tools that allow farmers to expand yields, reduce environmental impacts, improve profitability, and provide a safe, healthy, abundant, and affordable food supply;

Whereas, The agriculture and food production industries have a long history of success and safety in protecting and further enhancing the food, feed, and fiber supply of Indiana residents and the world;

Whereas, The agriculture industry is recognized as an important contributor to the economic vitality of Indiana through jobs, capital investment, farm income, value added sectors, and contributions to the state's tax base;

Whereas, The crop protection industry is among the most studied and regulated of all industries at both the state and federal levels;

Whereas, The continued success of these industries and our nation's position as a world leader in crop protection chemistries, genetically engineered or enhanced traits, and nutrients depends on state and federal regulators utilizing science based data to assess both product and ingredient safety; and

Whereas, Sound science rather than the "precautionary principle" should be the bedrock of our nation's regulatory scheme: 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 supports the use of science based data to assess the effects and the regulation of modern agricultural technologies, including but not limited to, crop protection chemistries, genetically engineered or enhanced traits, and nutrients.

SECTION 2. That the Indiana House of Representatives opposes legislative or regulatory action, whether at the federal, state, or local level, that may result in unnecessary restrictions on the use of modern agricultural technologies, including but not limited to, crop protection chemistries, genetically engineered or enhanced traits, and nutrients that are not based on sound science.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of Indiana's congressional delegation.

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

House Resolution 31

Representative Pryor, Price and Forestal introduced House Resolution 31:

A HOUSE RESOLUTION recognizing Atterbury Job Corps and IndyPence Job Corps Centers on the occasion of their 50th anniversary.

Whereas, For the last 50 years, Job Corps has been providing students with the skills they need to succeed in today's workforce at no cost to the students or their families;

Whereas, Job Corps helps young people learn a career, earn a high school diploma or GED, and find and keep a good job;

Whereas, Job Corps' mission is to educate and train today's

youth in order for them to obtain the skills needed to start a high wage career, enroll in college, enlist in the military, or obtain specialized skills in an advanced training program;

Whereas, Atterbury Job Corps Center is located in Edinburgh about 35 miles south of Indianapolis and the satellite center, IndyPendence Job Corps, is located in downtown Indianapolis;

Whereas, Job Corps Centers work with national and local employers to provide them with entry-level employees and, in turn, the employers help the students prepare for careers through involvement in areas ranging from curriculum design, mock interviews, and work-based learning internships;

Whereas, The purpose of work-based learning internships is to match the skilled training Job Corps offers with a partner that can provide a student with an internship opportunity;

Whereas, Atterbury Job Corps Centers have partnered with business and community organizations such as Second Helpings, The American Red Cross, the Indiana Blood Center, The United Way, and employers such as TJ Maxx/Marshalls, Aisin Manufacturing, The Westin Hotel, Sodexo Food Service, American Senior Communities, Cummins Engine, Ferguson Construction, Brown Remodeling, as well as Martin University, Harrison College, Franklin College, and Ivy Tech to provide work-based learning internships for their students;

Whereas, The Atterbury Job Corps and IndyPendence Job Corps Centers have a 91 percent placement rate in higher education, employment, advanced training programs, or military careers; and

Whereas, Over 1,000 young Hoosiers come through the doors of Atterbury Job Corps and IndyPendence Job Corps Centers each year giving themselves a chance at a better, more productive life: 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 Atterbury Job Corps and the IndyPendence Job Corps on the occasion of their 50th anniversary and thanks them for all their dedicated service to Indiana's economically disadvantaged youth.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to R. Jeff Byrd.

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

Senate Concurrent Resolution 25

The Speaker handed down Senate Concurrent Resolution 25, sponsored by Representative Davisson:

A CONCURRENT RESOLUTION honoring the Town of Orleans, Indiana, on the bicentennial celebration of its founding.

Whereas, Platted 200 years ago in 1815, Orleans stands as the oldest town in Orange County, Indiana;

Whereas, Founded two months after Andrew Jackson's famous victory over the British at New Orleans, the settlers named their new town in honor of this historic event;

Whereas, The original plat of the town was recorded in Salem, Indiana, while Orange County was then part of Washington County and Indiana was still a territory and had not yet achieved statehood;

Whereas, This original plat of the Town of Orleans is dated March 11, 1815, and was signed by Samuel Lewis and William McFarlane as owners of the land, and by Samuel Alexander, a surveyor;

Whereas, in 1851 the citizens of Orleans gave the handsome sum of \$40,000 so that Orleans would become one of the earliest stops on the New Albany Salem Railroad and later became one of the first stops on the Monon Railroad, proving that the citizens of Orleans are ever committed to making sacrifices today for the benefit of a brighter future;

Whereas, in the mid 1960s the town embarked on Operation Dogwood which succeeded in its ultimate goal of planting hundreds of Dogwood trees and thus earning the nickname "The Dogwood Capitol of Indiana" as proclaimed by Governor Edgar Whitcomb in his 1970 resolution and as a result of their efforts now enjoys the renowned Annual Orleans Dogwood Festival;

Whereas, the Town of Orleans has always produced exceptional individuals who left their mark on our history including: Samuel S. Lewis, co-founder of Orleans and veteran of the War of 1812 and Texas's War of Independence; Civil War General William T. Spicely, leader of the 24th Indiana Volunteer Infantry; Bishop Richard Roberts, leader in the formation of the early Methodist Protestant Church; John M. Bloss, Indiana Superintendent of Public Instruction; and many future leaders yet to come;

Whereas, Since the days before our statehood was just a glint on the horizon, the people of the Town of Orleans have been there at the forefront leading Indiana through its storied history; and

Whereas, It is fitting that the Indiana General Assembly give special recognition to the Town of Orleans as its residents celebrate the town's bicentennial: 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 the Town of Orleans on the bicentennial celebration of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to The Honorable Michael Cloud, Honorary Chair of the Orleans Bicentennial Committee; Robert Henderson, Chair of the Orleans Bicentennial Committee; Mike Fields, President of the Orleans Town Council; Greta Llewellyn, President of the Orleans Chamber of Commerce; and Terry Cochran of the Descendants of Colonel Samuel Lewis.

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 Huston, Mahan, Bauer, Summers and Dvorak, who had been excused are now present.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 35, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 35 as printed February 4, 2015.)
 Committee Vote: Yeas 13, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 94, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 94 as printed January 23, 2015.)
 Committee Vote: Yeas 11, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 252, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 3. IC 4-31-5-9, AS AMENDED BY P.L.233-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission shall determine the dates and (if the commission adopts a rule under subsection (c)) the number of racing days authorized under each recognized meeting permit. Except for racing at winterized tracks, a recognized meeting may not be conducted after December 10 of a calendar year.

(b) Except as provided in subsection (c), the commission shall require at least ~~one two hundred forty (140)~~ **(200)** but not more than ~~one two hundred sixty-five (165)~~ **forty (240)** live racing days each calendar year at the racetrack designated in a permit holder's permit, as follows:

- (1) At least eighty (80) but not more than ninety (90) live racing days must be for standardbreds.
- (2) At least ~~sixty (60)~~ **one hundred twenty (120)** but not more than ~~seventy-five (75)~~ **one hundred fifty (150)** live racing days must be for horses that are:
 - (A) mounted by jockeys; and
 - (B) run on a course without jumps or obstacles.

The requirements of this subsection are a continuing condition for maintaining the permit holder's permit. However, the requirements do not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or another event over which the permit holder has no control.

- (c) The commission may by rule adjust any of the following:
 - (1) The total required number of live racing days under subsection (b).
 - (2) The number of live racing days required under subsection (b)(1).
 - (3) The number of live racing days required under subsection (b)(2).
- (d) A permit holder may not conduct more than fourteen (14) races on a particular racing day."

Renumber all SECTIONS consecutively.
 (Reference is to SB 252 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and

Telecommunications, to which was referred Senate Bill 309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 309 as printed February 10, 2015.)

Committee Vote: Yeas 12, Nays 1.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 313 as printed February 6, 2015.)

Committee Vote: Yeas 10, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 318 as printed January 23, 2015.)

Committee Vote: Yeas 10, Nays 0.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 336, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 336 as printed January 30, 2015.)

Committee Vote: Yeas 10, Nays 0.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 412, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 34, after "with the" insert "**following:**

- (A) The state energy analysis developed by the commission under section 3 of this chapter.**
- (B) The**".

Page 11, line 37, delete "revenues)" and insert "**revenues and financial incentives)**".

Page 11, line 38, after "revenues" insert "**and financial incentives**".

(Reference is to SB 412 as reprinted February 10, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 420, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 420 as printed January 28, 2015.)

Committee Vote: Yeas 11, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 429 as printed February 6, 2015.)

Committee Vote: Yeas 6, Nays 4.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 433, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 433 as printed January 30, 2015.)

Committee Vote: Yeas 12, Nays 1.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 506, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 506 as printed February 4, 2015.)

Committee Vote: Yeas 13, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 532, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 2. IC 10-11-2-34.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 34.2. (a) The superintendent shall annually report to the legislative council, to the extent the information is available, the amount of money that the state police department has received from the federal government as the result of a forfeiture conducted by the federal government.**

(b) The report shall be:

(1) submitted before July 15 of every year; and

(2) in an electronic format under IC 5-14-6.

(c) The report may include any other information that the superintendent believes would be helpful."

Page 3, after line 21, begin a new paragraph and insert:

"SECTION 6. IC 33-39-8-5, AS AMENDED BY P.L.176-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The council shall do the following:

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

(2) Prepare manuals of procedure.

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

and instructions.

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

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

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

(7) The council shall:

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

(B) annually submit a report to the legislative council containing the compiled data.

The council shall submit the report to the legislative council before July 15 of every year. The report must be in an electronic format under IC 5-14-6. The council may adopt rules under IC 4-22-2 to implement this subdivision.

SECTION 7. IC 34-24-1-1, AS AMENDED BY P.L.217-2014, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or

IC 16-6-8.5-5.1, before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
 - (B) used to facilitate any violation of a criminal statute; or
 - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (4) A vehicle that is used by a person to:
- (A) commit, attempt to commit, or conspire to commit;
 - (B) facilitate the commission of; or
 - (C) escape from the commission of;
- murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:
- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
 - (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 - (C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
 - (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
 - (E) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
 - (F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
- (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
 - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
- (A) while intoxicated, in violation of IC 9-30-5-1

through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

- (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
 - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
- (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
- (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
 - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

- (A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
 - (B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
- (17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;**
 - (B) facilitate the commission of; or**
 - (C) escape from the commission of;**
- a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4 (promoting prostitution).**

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III

controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

(9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 8. IC 34-24-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. (a) After a court enters a judgment in favor of the state or a unit under section 4 of this chapter, the prosecuting attorney shall report the:**

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

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

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

(b) After a court, upon motion of the prosecuting attorney under IC 35-33-5-5(j), orders property transferred to a federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e), and any related regulations adopted by the United States Department of Justice, the prosecuting attorney shall report to the Indiana prosecuting attorneys council the amount of money or property transferred. This subsection applies even if the prosecuting attorney has retained an attorney to bring an action under this chapter.

(c) A report made to the Indiana prosecuting attorneys council under this section must be in a format approved by the prosecuting attorneys council."

Renumber all SECTIONS consecutively.

(Reference is to SB 532 as printed February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 534, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 25-22.5-13-2, AS ADDED BY P.L.185-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2015]: Sec. 2. (a) Consistent with standard medical practices in pain management treatment, the medical licensing board shall

(1) before November 1, 2013, adopt emergency rules in the manner provided in IC 4-22-2-37-1; and

(2) before November 1, 2014, adopt rules under IC 4-22-2 to establish standards and protocols for the prescribing of controlled substances, **including the use of abuse deterrent formulations.**

(b) An emergency rule adopted under subsection (a)(1) remains in effect until the effective date of the permanent rule adopted under subsection (a)(2):"

Renumber all SECTIONS consecutively.

(Reference is to SB 534 as printed February 13, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 546, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 546 as printed February 20, 2015.)

Committee Vote: Yeas 10, Nays 3.

DERMODY, Chair

Report adopted.

Representative Beumer, who had been present is now excused.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 101

Representative Wesco called down Engrossed Senate Bill 101 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 101-1)

Mr. Speaker: I move that Engrossed Bill 101 be amended to read as follows:

Page 3, delete lines 4 through 13, begin a new paragraph and insert:

"Sec. 8. A governmental entity may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless:

(1) the governmental entity demonstrates that the application of the burden to the person:

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest; or

(2) the governmental entity is applying or enforcing a statute, an ordinance, a resolution, an executive or administrative order, a regulation, or a custom to protect the health, safety, or welfare of a child."

Page 3, line 29, delete "person:" and insert "person is permitted by section 8(1) or 8(2) of this chapter;".

Page 3, delete lines 30 through 33.

(Reference is to ESB 101 as printed March 17, 2015.)

RIECKEN

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 298: yeas 30, nays 61. Motion failed.

HOUSE MOTION

(Amendment 101-5)

Mr. Speaker: I move that Engrossed Senate Bill 101 be amended to read as follows:

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

**"(d) For purposes of this chapter:
(1) the protection of civil rights; or
(2) the prevention of discrimination;
is a compelling government interest."**

Renumber all SECTIONS consecutively.
(Reference is to ESB 101 as printed March 17, 2015.)
DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 299: yeas 31, nays 60. Motion failed.

HOUSE MOTION
(Amendment 101-2)

Mr. Speaker: I move that Engrossed Senate Bill 101 be amended to read as follows:

Page 1, line 10, after "Sec. 2." delete "A" and insert **"Except as provided in section 9 of this chapter, a"**.

Page 2, between lines 2 and 3, begin a new line block indented and insert:

"(1) "Civil rights law" means any statute, ordinance, resolution, regulation, contract, policy, order, judicial decree, or other act of federal, state, or local government that protects persons from discrimination or ensures equal benefits or services authorized by law.

(2) "Compelling government interest" includes, but is not limited to:

(A) protecting the welfare of a child from abuse or neglect; and

(B) protecting the health, safety, and welfare of the public, including protection against discrimination on any ground prohibited by federal, state, or local law."

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

Page 2, line 7, delete "(2)" and insert "(4)".

Page 2, line 17, delete "includes".

Page 2, line 18, delete "any exercise of religion," and insert **"means the practice or observance of religion,"**

Page 2, delete lines 32 through 42, begin a new line block indented and insert:

"(2) A religious organization, association of churches, or other religious orders, bodies, or institutions that qualify for exemption from taxation under Section 501(c)(3) or 501(d) of the Internal Revenue Code of 1968."

Page 3, delete lines 1 through 3.

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 9. (a) This chapter shall not be construed to:

(1) apply in a criminal case involving a sexual offense or other abuse committed against a minor;

(2) authorize any public employee or public officeholder to refuse to faithfully and truthfully execute all duties required by the employee's or officeholder's oath of office;

**(3) justify practices inconsistent with the standards of care or service applicable to licensed professionals; or
(4) create any rights by an employee against an employer if the employer is not the government.**

(b) Except as provided by subsection (c), this chapter applies to all government actions.

(c) This chapter does not establish or eliminate a defense to any civil rights law, including, but not limited to, the Indiana Civil Rights Law under IC 22-9-1-1."

Page 3, line 14, delete "9." and insert "10."

Page 3, line 14, delete "has been" and insert "is".

Page 3, line 15, delete ", or is likely to be substantially burdened,".

Page 3, line 16, delete "or impending".

Page 3, line 17, delete "violation".

Page 3, line 18, delete "proceeding," and insert **"proceeding."**

Page 3, line 18, delete "regardless of whether the state or any other".

Page 3, delete lines 19 through 22.

Page 3, line 23, delete "10." and insert "11."

Page 3, line 24, delete "9" and insert "10".

Page 3, line 26, delete "has been" and insert "is".

Page 3, line 27, delete "burdened," and insert **"burdened;"**.

Page 3, line 27, delete "or is likely to be substantially burdened;".

Renumber all SECTIONS consecutively.

(Reference is to ESB 101 as printed March 17, 2015.)
DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 300: yeas 31, nays 60. Motion failed.

HOUSE MOTION
(Amendment 101-6)

Mr. Speaker: I move that Engrossed Senate Bill 101 be amended to read as follows:

Page 4, after line 7, begin a new paragraph and insert:

"Sec. 12. (a) Before a person who operates a business may:

**(1) claim in any judicial or administrative proceeding that the person's exercise of religion is substantially burdened, or is likely to be substantially burdened, by a violation of this chapter because a governmental entity requires the person's business to serve individuals who are members of certain groups or classes of individuals within the general population; or
(2) use as a defense in any action brought against the person that alleges the person's business committed an act that constitutes discrimination by denying service to an individual that:**

**(A) the person's exercise of religion is substantially burdened, or is likely to be substantially burdened, because a governmental entity requires the person's business to serve individuals who are members of a certain group or class of individuals within the general population; and
(B) the individual is a member of a certain group or class of individuals within the general population described in clause (A);**

the person must fulfill all the requirements described in subsections (b) and (c).

(b) A person described in subsection (a) must post a sign that satisfies all the following requirements:

(1) The sign must be posted and maintained in a conspicuous place that is visible to customers of the person's business before the customers enter the premises of the business.

(2) The sign must state that the person believes a governmental entity substantially burdens the person's exercise of religion by requiring the person's business to serve individuals who are members of certain groups or classes of individuals within the general population.

(3) The sign must specifically identify the certain groups or classes of individuals within the general population described in subdivision (2) that the person's business may not serve because the person believes doing so would substantially burden the person's exercise of religion.

(4) The sign must be posted before serving or denying service to an individual who is a member of one (1) of the certain groups or classes of individuals specifically identified under subdivision (3).

(c) If a person described in subsection (a) operates an Internet web site for the person's business, the person must post the following on the Internet web site:

(1) The web site must state that the person believes a governmental entity substantially burdens the person's exercise of religion by requiring the person's business to serve individuals who are members of certain groups or classes of individuals within the general population.

(2) The web site must specifically identify the certain groups or classes of individuals within the general population described in subdivision (1) that the person's business may not serve because the person believes doing so would substantially burden the person's exercise of religion.

(3) The information described in subdivisions (1) and (2) must be posted on the web site before serving or denying service to an individual who is a member of one (1) of the certain groups or classes of individuals specifically identified under subdivision (2)."

(Reference is to ESB 101 as printed March 17, 2015.)

BARTLETT

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 301: yeas 30, nays 61. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 193

Representative Lawson called down Engrossed Senate Bill 193 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 216

Representative Zent called down Engrossed Senate Bill 216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 249

Representative Lehe called down Engrossed Senate Bill 249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 265

Representative Cox called down Engrossed Senate Bill 265 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 265-1)

Mr. Speaker: I move that Engrossed Senate Bill 265 be amended to read as follows:

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 7. IC 5-10.3-7-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. (a) This section applies to an active member of the fund after June 30, 2015.**

(b) As used in this section, "armed forces of the United States" means the active or reserve components of:

- (1) the Army;**
- (2) the Navy;**
- (3) the Air Force;**
- (4) the Coast Guard;**
- (5) the Marine Corps; or**
- (6) the Merchant Marine.**

(c) A member is entitled to receive service credit equal to the member's service in the armed forces of the United States, if the following conditions are met:

- (1) The member received a discharge other than dishonorable from the armed forces of the United**

States.

(2) The member does not receive service credit for the service in a military or other governmental retirement plan.

(d) Not more than six (6) years of service credit may be granted under this section.

(e) The service credit granted under this section is in addition to any other service credit for service in the armed forces of the United States granted or purchased under this article or IC 5-10.2."

Renumber all SECTIONS consecutively.

(Reference is to ESB 265 as printed March 17, 2015.)

GOODIN

Representative Cox rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 265 a bill pending before the House. After discussion, Representative Goodin withdrew the motion to amend. Motion withdrawn.

HOUSE MOTION
(Amendment 265-2)

Mr. Speaker: I move that Engrossed Senate Bill 265 be amended to read as follows:

Page 21, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 11. IC 36-8-3.5-12, AS AMENDED BY P.L.99-2007, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12. (a) To be appointed to the department, an applicant must be:**

- (1) a citizen of the United States;**
- (2) a high school graduate or equivalent; and**
- (3) at least twenty-one (21) years of age, but under:**
 - (A) thirty-six (36) years of age, for appointment to a fire department; or**
 - (B) thirty-eight (38) years of age, for appointment to a police department.**

However, the age requirements do not apply to a person who has been previously employed as a member of the department.

(b) A person may not be appointed, reappointed, or reinstated if he the person has a felony conviction on his the person's record.

(c) Applications for appointment or reappointment to the department must be filed with the commission. The applicant must produce satisfactory proof of the date and place of his birth.

(d) Applicants for appointment or reappointment to the department must pass the general aptitude test required under IC 36-8-3.2-3 or IC 36-8-3.2-3.5. The general aptitude test shall:

- (1) reflect the essential functions of the job;**
- (2) be conducted according to procedures adopted by the commission; and**
- (3) be administered in a manner that reasonably accommodates the needs of applicants with a disability.**

The results of the general aptitude test shall be filed with the commission. If the commission finds that the applicant lacks the proper qualifications, it shall reject the applicant.

(e) The applicants shall then be rated on the selection criteria and testing methods adopted by the commission, which may include mental alertness, character, habits, and reputation. The commission shall adopt rules for grading the applicants, including the establishment of a passing score. The commission shall place the names of applicants with passing scores on an eligibility list by the order of their scores and shall certify the list to the safety board.

(f) If an applicant for original appointment reaches: his

- (1) the applicant's thirty-sixth birthday, his for an applicant seeking appointment to a fire department; or**
- (2) the applicant's thirty-eighth birthday, for an applicant seeking appointment to a police department;**

the applicant's name shall be removed from the eligibility list. Applicants remain on the list for two (2) years from the date of certification. After two (2) years a person may reapply as an applicant.

(g) When a vacancy occurs in the department, the commission, upon a written request of the chief of the department, shall administer the physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the applicant having the highest score on the eligibility list. If the appointed applicant successfully completes the physical agility test, the applicant shall then be enrolled as a member of the department to fill the vacancy if:

- (1) the applicant is still of good character; and
- (2) the applicant passes the required examinations identified in IC 36-8-3.2-6 and IC 36-8-8-19.

(h) All appointments are probationary for a period not to exceed one (1) year. If the commission finds, upon the recommendation of the department during the probationary period, that the conduct or capacity of the probationary member is not satisfactory, the commission shall notify ~~him~~ **the probationary member** in writing that ~~he~~ **the member**:

- (1) is being reprimanded; ~~that he~~
- (2) is being suspended; or ~~that he~~
- (3) will not receive a permanent appointment.

If a member is notified that ~~he~~ **the member** will not receive a permanent appointment, ~~his~~ **the member's** employment immediately ceases. Otherwise, at the expiration of the probationary period the member is considered regularly employed.

SECTION 12. IC 36-8-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A person may not be appointed as a member of the ~~police department or fire department~~ after the person has reached thirty-six (36) years of age. **A person may not be appointed as a member of a police department after the person reaches thirty-eight (38) years of age.** A person may be reappointed as a member of the department only if the person is a former member or a retired member not yet receiving retirement benefits of the 1925, 1937, 1953, or 1977 fund and can complete twenty (20) years of service before reaching sixty (60) years of age.

(b) This section does not apply to a fire chief appointed under a waiver under section 6(c) of this chapter or a police chief appointed under a waiver under section 6.5(c) of this chapter.

(c) A person must pass the aptitude, physical agility, and physical examination required by the local board of the fund and by IC 36-8-8-19 to be appointed or reappointed as a member of the department.

(d) A fire chief appointed under a waiver under section 6(c) of this chapter or police chief appointed under a waiver under section 6.5(c) of this chapter who is receiving, or is entitled to receive, benefits from the 1925, 1937, 1953, or 1977 fund may receive those benefits while serving as chief, subject to all normal requirements for receipt of a benefit, including a separation from service."

Page 23, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 14. IC 36-8-8-7, AS AMENDED BY P.L.117-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

- (1) a police officer **who is less than thirty-eight (38) years of age;** or
- (2) a firefighter who is less than thirty-six (36) years of age; and

who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive

credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates

in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c); unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;
- (2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

- (1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and
- (3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

- (1) retired for purposes of section 10 of this chapter; or
- (2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

(n) Notwithstanding any other provision of this chapter and subject to subsection (o), a police officer or firefighter who:

- (1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;
- (2) separates from that employer; and
- (3) not later than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or

firefighter with a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting for a second time the age limitation under subsection (a) and the requirements under sections 19 and 21 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund.

(o) The one hundred eighty (180) day limitation described in subsection (n)(3) does not apply to a member of the 1977 fund who is eligible for reinstatement under IC 36-8-4-11."

Remember all SECTIONS consecutively.

(Reference is to ESB 265 as printed March 17, 2015.)

GOODIN

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.

There being no further amendment the bill was ordered engrossed.

Engrossed Senate Bill 315

Representative Cherry called down Engrossed Senate Bill 315 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 315-1)

Mr. Speaker: I move that Engrossed Senate Bill 315 be amended to read as follows:

Page 2, line 20, after "consolidated." insert "**If the property contains a structure that the governing body wishes to demolish, the governing body shall give written notice of the proposed demolition to the township. The township shall, within ninety (90) days after receiving the notice, inform the governing body in writing as to whether the township wishes to retain the structure. If the township wishes to retain the structure, the governing body may not demolish the structure before transferring the property.**"

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

"(g) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a city or town is no longer needed for school purposes. The governing body shall offer the property as a gift to the city or town that owned the property before the school was consolidated. If the property contains a structure that the governing body wishes to demolish, the governing body shall give written notice of the proposed demolition to the city or town. The city or town shall, within ninety (90) days after receiving the notice, inform the governing body in writing as to whether the city or town wishes to retain the structure. If the city or town wishes to retain the structure, the governing body may not demolish the structure before transferring the property. If the fiscal body of the city or town accepts the offer, the governing body shall give the city or town a quitclaim deed to the property. If the fiscal body of the city or town refuses the offer, the governing body may sell the property in the manner provided in subsection (e)."

(Reference is to ESB 315 as printed March 17, 2015.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Representative Beumer, who had been excused is now present.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 489

Representative Lehman called down Engrossed Senate Bill 489 for third reading:

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

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

Roll Call 302: 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.

**MOTIONS TO CONCUR
IN SENATE AMENDMENTS**

Pursuant to House Rule 156.1, the author of Engrossed House Bill 1065, Representative Culver, granted consent to the co-author, Representative Davisson, to file a motion to concur.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1065.

DAVISSON

Roll Call 303: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 23, 2015, at 1:30 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 Morrison be added as cosponsor of Engrossed Senate Bill 80.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Frizzell, Frye, Hamm, Nisly, Burton, Cook and Miller be added as cosponsors of Engrossed Senate Bill 101.

WESCO

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Washburne be added as cosponsor of Engrossed Senate Bill 123.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Gutwein and Moseley be added as cosponsors of Engrossed Senate Bill 265.

COX

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 297.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as cosponsor of Engrossed Senate Bill 315.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as cosponsor of Engrossed Senate Bill 336.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 489.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fine be added as coauthor of House Concurrent Resolution 37.

KOCH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1017, 1025, 1185, 1208, 1216, 1362, 1501 and 1617 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 House Concurrent Resolution 43 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Wesco, the House adjourned at 12:50 p.m., this nineteenth day of March, 2015, until Monday, March 23, 2015, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives