



# Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Twenty-third Day

Tuesday Afternoon

February 25, 2014

The invocation was offered by Reverend Roy Blake of the Centerview Community Church in Warsaw, a guest of Representative David A. Wolkins.

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

The Pledge of Allegiance to the Flag was led by Representative Wolkins.

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

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

Turner  
Ubelhor  
VanDenburgh  
VanNatter  
Washburne

Wesco  
Wolkins  
Zent  
Ziemke  
Mr. Speaker

Roll Call 268: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 26, 2014, at 10:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-10.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

### Chapter 10.3. County Option Exemption of Business Personal Property

Sec. 1. As used in this chapter, "business personal property" means personal property that:

- (1) is otherwise subject to assessment and taxation under this article; and
- (2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income.

The term does not include mobile homes assessed under IC 6-1.1-7 or personal property held as an investment.

Sec. 2. As used in this chapter, "county income tax council" refers to the county income tax council established by IC 6-3.5-6-2 for a county.

Sec. 3. As used in this chapter, "exemption ordinance" refers to an ordinance adopted under section 5 of this chapter by a county income tax council.

Sec. 4. As used in this chapter, "new personal property" means business personal property that:

- (1) a taxpayer places in service after the later of the date the exemption ordinance is adopted or a date specified in the exemption ordinance; and
- (2) has not previously been used in Indiana before the taxpayer acquires the business personal property.

Sec. 5. (a) 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.

(b) For purposes of adopting an exemption ordinance under this chapter, a county income tax council is comprised of the same members as the county income tax council that is established by IC 6-3.5-6-2 for the county, regardless of whether a county income tax is in effect in the county and regardless of which county income tax is in effect in the county. Except as provided in this chapter, the county income tax council shall use the same procedures that apply under IC 6-3.5-6 when acting under this chapter.

(c) Before adopting an exemption ordinance under this section, a county income tax council must conduct a public hearing on the proposed exemption ordinance. The county income tax council must publish notice of the public hearing in accordance with IC 5-3-1.

(d) The county income tax council shall provide a certified copy of an adopted exemption ordinance to the department of local government finance and the county auditor.

**Sec. 6. An exemption ordinance adopted under this chapter must exempt all new personal property, other than personal property assessed under IC 6-1.1-8. An exemption ordinance may not exempt personal property assessed under IC 6-1.1-8.**

**Sec. 7. A county income tax council may repeal or amend an exemption ordinance. However, if a county income tax council repeals or amends an exemption ordinance, any new personal property that was exempt under the exemption ordinance on the date the new personal property was placed into service by a taxpayer remains exempt from property taxation, regardless of whether or not the ownership of the new personal property changes after the date the exemption ordinance is amended or repealed.**

**Sec. 8. A taxpayer is not required to file an application or a personal property tax return to qualify for an exemption under this chapter.**

SECTION 2. IC 6-1.1-12.1-4.5, AS AMENDED BY P.L.288-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(b) The designating body must review the statement of benefits required under subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(c) Except as provided in subsection (f), and subject to subsection (g) and section 15 of this chapter, an owner of new

manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under section 17 or 18 of this chapter. Except as provided in subsection (d) and in section 2(i)(3) of this chapter, and subject to subsection (g) and section 15 of this chapter, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

- (1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the abatement schedule established under section 17 or 18 of this chapter; multiplied by
- (2) the percentage prescribed by the designating body under section 17 or 18 of this chapter.

(d) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

- (1) the deduction under this section as in effect on March 1, 2001; and
- (2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(e) The designating body shall determine the number of years the deduction is allowed under section 17 or 18 of this chapter. **However, Except as provided by section 18 of this chapter,** the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(f) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

- (1) is convicted of a criminal violation under IC 13, including IC 13-7-13-3 (repealed) or IC 13-7-13-4 (repealed); or
- (2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(g) For purposes of subsection (c), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

- (1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by
- (2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

- (i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and
- (ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9."

Page 2, delete lines 1 through 24.

Page 3, delete lines 6 through 41, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-12.1-17, AS AMENDED BY P.L.288-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. **Except as provided in section 18 of this chapter,** an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

SECTION 5. IC 6-1.1-12.1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. (a) This section applies to a deduction provided under section 4.5 of this chapter for new personal property with respect to a statement of benefits approved after June 30, 2014.**

**(b) As used in this section, "business personal property" has the meaning set forth in IC 6-1.1-10.3-1.**

**(c) As used in this section, "new personal property" means business personal property that:**

- (1) a taxpayer places in service after the date the taxpayer's statement of benefits is approved by the designating body; and
- (2) has not previously been used in Indiana before the taxpayer acquires the business personal property.

**(d) A designating body may establish an enhanced abatement schedule for a deduction described in subsection (a). An enhanced abatement schedule established under this subsection:**

- (1) must specify the percentage amount of the deduction for each year of the deduction; and
- (2) may not exceed twenty-five (25) years.

**(e) If a taxpayer is granted a deduction under section 4.5 of this chapter on an abatement schedule that exceeds ten (10) years through an enhanced abatement schedule established under subsection (d), the designating body shall conduct a public hearing to review the taxpayer's**

compliance with the statement of benefits provided to the designating body under this chapter after the tenth year of the abatement and every fifth year thereafter for the remainder of the enhanced abatement schedule established for the taxpayer."

Page 4, line 26, after "six" insert "and twenty-five hundredths".

Page 4, line 27, delete "(6.0%)." and insert "(6.25%)".

Page 4, line 28, delete "five and" and insert "six percent (6%)".

Page 4, delete line 29.

Page 4, line 30, after "five" insert "and seventy-five hundredths".

Page 4, line 31, delete "(5.0%)." and insert "(5.75%)".

Page 4, between lines 31 and 32, begin a new line block indented and insert:

"(9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%)."

"(10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%)."

"(11) After June 30, 2021, and before July 1, 2022, five percent (5%)".

Page 4, line 32, delete "(9)" and insert "(12)".

Page 4, line 32, delete "2019," and insert "2022,".

Page 5, delete lines 4 through 42.

Delete page 6.

Page 7, delete lines 1 through 13.

Page 10, line 35, delete "percent (6%)." and insert "and twenty-five hundredths percent (6.25%)".

Page 10, line 37, delete "five and five-tenths percent (5.5%)." and insert "six percent (6%)".

Page 10, line 39, delete "percent (5%)." and insert "and five-tenths percent (5.5%)".

Page 10, between lines 39 and 40, begin a new line block indented and insert:

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

Page 10, line 40, delete "(9)" and insert "(10)".

Page 10, line 40, delete "2021," and insert "2022,".

Page 11, delete lines 34 through 42.

Page 12, delete lines 1 through 19.

Page 13, between lines 7 and 8, begin a new line block indented and insert:

"(10) One (1) member who is nominated by the Association of School Business Officials and appointed jointly by the chairman and vice chairman of the legislative council."

Page 13, line 21, delete "," and insert ".".

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as reprinted January 29, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 5.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 59, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "IC 29-3-9-12;" and insert "IC 29-3-9-12.2;".

Page 4, line 2, delete "IC 29-3-9-12." and insert "IC 29-3-9-12.2."

Page 4, line 26, delete "IC 29-3-9-12." and insert "IC 29-3-9-12.2."

Page 5, line 10, delete "IC 29-3-9-12." and insert "IC 29-3-9-12.2."

Page 5, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 5. IC 29-3-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) This section applies only to a guardianship of the property of a minor or an incapacitated adult.

(b) If a third party fails to comply with a guardian's written demand or instruction that:

(1) was issued within the scope of the guardian's authority; and

(2) is consistent with this article;

the guardian may bring an enforcement proceeding to compel compliance in the court having jurisdiction over the guardianship.

(c) A court may award attorney's fees and costs to the guardian in an enforcement proceeding under subsection (b), if the person indebted to the guardianship estate or holding property of the guardianship estate other than an insurer regulated under IC 27:

(1) acted in bad faith in failing to comply with the guardian's written demand or instruction; or

(2) refused to respond within thirty (30) business days after receiving the guardian's written demand or instruction, if the demand or instruction is consistent with this article.

(d) A court may, upon notice and hearing, award attorney's fees and costs to an estate bringing an enforcement proceeding under subsection (a) against an insurer regulated under IC 27 if:

(1) the insurer failed to respond under IC 27 after receiving a written demand or instruction from the personal guardian; and

(2) the written demand or instruction is consistent with this article."

Page 5, line 29, delete "IC 29-3-9-12" and insert "IC 29-3-9-12.2".

Page 5, line 31, delete "12." and insert "12.2."

Page 7, line 36, delete "12" and insert "12.2".

Page 8, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 9. IC 30-4-3-6, AS AMENDED BY P.L.238-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The trustee has a duty to administer a trust according to its terms.

(b) Unless the terms of the trust or the provisions of section 1.3 of this chapter provide otherwise, the trustee also has a duty to do the following:

(1) Administer the trust in a manner consistent with IC 30-4-3.5.

(2) Take possession of and maintain control over the trust property.

(3) Preserve the trust property.

(4) Make the trust property productive for both the income and remainder beneficiary. As used in this subdivision, "productive" includes the production of income or investment for potential appreciation.

(5) Keep the trust property separate from the trustee's individual property and separate from or clearly identifiable from property subject to another trust.

(6) Maintain clear and accurate accounts with respect to the trust estate.

(7) Upon reasonable request, give the beneficiary complete and accurate information concerning any matter related to the administration of the trust and permit the beneficiary or the beneficiary's agent to inspect the trust property, the trustee's accounts, and any other documents concerning the administration of the trust.

(8) Take whatever action is reasonable to realize on claims constituting part of the trust property.

- (9) Defend actions involving the trust estate.
- (10) Supervise any person to whom authority has been delegated.
- (11) Determine the trust beneficiaries by acting on information:
  - (A) the trustee, by reasonable inquiry, considers reliable; and
  - (B) with respect to heirship, relationship, survivorship, or any other issue relative to determining a trust beneficiary."

Page 8, line 32, delete "IC 29-3-9-12." and insert "IC 12-3-9-12.2."

Page 8, line 39, delete "IC 29-3-9-12," and insert "IC 29-3-9-12.2,".

Page 9, line 25, delete "IC 29-3-9-12." and insert "IC 29-3-9-12.2."

Page 10, line 2, delete "IC 29-3-9-12," and insert "IC 29-3-9-12.2,".

Page 10, line 30, delete "IC 29-3-9-12." and insert "IC 29-3-9-12.2."

Page 11, line 7, delete "IC 29-3-9-12," and insert "IC 29-3-9-12.2,".

Renumber all SECTIONS consecutively.

(Reference is to SB 59 as reprinted February 4, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-4-13, AS AMENDED BY P.L.1-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

(b) The department of local government finance shall give written notice to each county assessor of:

- (1) the availability of the United States Department of Agriculture's soil survey ~~data~~; ~~maps~~; and
- (2) the appropriate soil productivity ~~factor rating~~ for each type or classification of soil ~~shown on the United States Department of Agriculture's soil survey map~~: **set forth in a rule adopted by the department of local government finance under subsection (c)(1).**

All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land. However, notwithstanding the availability of new soil productivity factors and the department of local government finance's notice of the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map for the March 1, 2012, assessment date, the soil productivity factors used for the March 1, 2011, assessment date shall be used for the March 1, 2012, assessment date, and for the March 1, 2013, assessment date. New soil productivity factors shall be used for assessment dates occurring after March 1, 2013.

(c) **Notwithstanding any law or executive order to the contrary**, the department of local government finance shall by **rule**: **adopt rules under IC 4-22-2 to:**

- (1) **develop soil productivity ratings; and**
- (2) provide for the method for determining the true tax value of each parcel of agricultural land.

(d) **The department of local government finance may consider the following when developing soil productivity ratings in a rule required by subsection (c)(1):**

- (1) **Information provided to the department by the Purdue University School of Agriculture.**
- (2) **Soil survey maps produced by the Natural Resource and Conservation Service of the United States Department of Agriculture.**
- (3) **Any other information considered relevant by the department of local government finance.**

(e) **The soil productivity factors used for the March 1, 2010, assessment date must be used for assessment dates occurring after March 1, 2013, until superseded by soil productivity ratings adopted by rule under subsection (c)(1). Soil productivity ratings developed under subsection (c)(1) remain in effect until superseded by soil productivity ratings adopted by the department of local government finance in a subsequent rule.**

(f) **All assessing officials and the property tax assessment board of appeals shall use the data developed under this section in determining the true tax value of agricultural land.**

(g) **This section does not apply to land purchased for industrial, commercial, or residential uses."**

Delete page 2.

(Reference is to SB 111 as printed January 17, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 159, 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, delete lines 2 through 13, begin a new paragraph and insert:

"SECTION 3. IC 20-24-3-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 18. (a) After June 30, 2014, before an authorizer may grant a charter to establish an adult high school, the organizer must have the proposal to establish the charter school approved by the budget committee.**

(b) **Upon receiving a request from an organizer to establish an adult high school under subsection (a), the budget committee shall either approve or deny the request. If the request is denied by the budget committee, the budget committee shall provide the reasons for the denial. If the request is denied by the budget committee, an authorizer may not issue a charter for the adult high school.**

(c) **The budget committee may only review the proposal based on the proposal's fiscal impact and may not make determinations based on other factors.**

SECTION 4. IC 20-24-3-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 19. Notwithstanding IC 20-24-1-2.5, an adult high school as defined in IC 20-24-1-2.3 may only be authorized by the charter board or the Indianapolis charter school board."**

Page 5, delete lines 5 through 17, begin a new paragraph and insert:

"SECTION 6. IC 20-24-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4. (a) This section applies to the renewal of a charter for an adult high school after June 30, 2014. Before a charter for an adult high school may be renewed, the organizer must have the student enrollment**

projections for the next fiscal year reviewed and approved by the budget committee.

(b) Upon receiving a request from an organizer to establish an adult high school under subsection (a), the budget committee shall either approve or deny the request. If the request is denied by the budget committee, the budget committee shall provide the reasons for the denial. If the request is denied by the budget committee, an authorizer may not issue or renew a charter for the adult high school.

(c) The budget committee may only review the proposal based on the proposal's fiscal impact and may not make determinations based on other factors."

Page 7, line 36, after "May 1, 2013." insert "**The restrictions in this subsection shall continue through June 30, 2015. For a fiscal year beginning after June 30, 2015, an adult high school described in this subsection shall be subject to the same restrictions on funding from the state, including tuition support, as other adult high schools as set forth in IC 20-24-7-14.**"

Page 8, after line 31, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "adult high school" means a charter school that will serve students who:

- (1) are at least eighteen (18) years of age; and
- (2) have dropped out of high school before receiving a diploma.

(b) As used in this SECTION, "charter school" has the meaning set forth in IC 20-24-1-4.

(c) As used in this SECTION, "commission" refers to the commission on education established by IC 2-5-38.1-2.

(d) As used in this SECTION, "office" refers to the office of management and budget established by IC 4-3-22-3.

(e) The office shall study the following topics:

- (1) The number of adult high schools operating in Indiana.
- (2) The location of each adult high school operating in Indiana.
- (3) The effectiveness of adult high schools in preparing students for joining the workforce.
- (4) Educational alternatives for students who:
  - (A) are at least eighteen (18) years of age; and
  - (B) have dropped out of high school before receiving a diploma.

(5) The potential impact upon the state budget of expanding the availability of adult high schools and other educational alternatives studied under subdivision (4).

(6) Other adult education topics that the office determines should be studied for the purpose of making recommendations to the commission.

(f) The office shall submit its findings and recommendations, if any, to the commission in an electronic format under IC 5-14-6 before November 1, 2014.

(g) The commission shall:

- (1) consider the report submitted by the office; and
- (2) submit its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before December 1, 2014.

(h) This SECTION expires January 1, 2015.

SECTION 12. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 159 as reprinted January 28, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred Senate Bill 176, 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 176 as printed February 18, 2014)

Committee Vote: Yeas 17, Nays 1.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 179, 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 5 and 6, begin a new line block indented and insert:

"(4) consists of eggs meeting the requirements of IC 16-42-11;"

Page 2, line 6, strike "(4)" and insert "(5)".

Page 2, line 7, strike "(5)" and insert "(6)".

Page 3, line 15, after "section" insert "that is sold on a farm".

Page 3, line 15, strike "frozen" and insert "refrigerated".

Page 3, line 20, after "stand;" strike "and".

Page 3, line 22, delete "." and insert "; and

"(5) require that poultry processed under this section that is sold at a farmer's market, through delivery, or at a roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.

An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing."

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 2. IC 16-42-11-6, AS AMENDED BY P.L.28-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Eggs sold under this chapter must be refrigerated at forty-five (45) degrees Fahrenheit within thirty-six (36) hours of lay.

(b) A person may not sell, offer for sale, or advertise for sale at retail or wholesale eggs that do not meet the standards of quality and weight set forth by the state egg board."

Page 3, line 34, delete "not".

Page 3, line 35, reset in roman "The state egg board shall establish requirements and".

Page 3, reset in roman lines 36 through 37.

Page 3, delete lines 38 through 42.

Page 4, delete lines 1 through 7.

Page 4, line 8, delete "(c)" and insert "(b)".

Renumber all SECTIONS consecutively.

(Reference is to SB 179 as reprinted January 17, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 1, delete "IC 34-30-2-85.6" and insert "IC 34-30-2-85.9".

Page 3, line 3, delete "Sec. 85.6." and insert "**Sec. 85.9.**".  
(Reference is to SB 222 as reprinted January 29, 2014.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 229, 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 34-28-7-2, AS AMENDED BY P.L.114-2012, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

- (1) prohibits; or
- (2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

~~(1) in or on school property; in or on property that is being used by a school for a school function; or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;~~

~~(2) (1) on the property of:~~

- ~~(A) a child caring institution;~~
- ~~(B) an emergency shelter care child caring institution;~~
- ~~(C) a private secure facility;~~
- ~~(D) a group home;~~
- ~~(E) an emergency shelter care group home; or~~
- ~~(F) a child care center;~~

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4-7-19;

~~(3) (2) on the property of a penal facility (as defined in IC 35-31.5-2-232);~~

~~(4) (3) in violation of federal law;~~

~~(5) (4) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));~~

~~(6) (5) on the property of a domestic violence shelter;~~

~~(7) (6) at a person's the employer's residence;~~

~~(8) (7) on the property of a person that is:~~

- ~~(A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued April 9, 2007; and~~
- ~~(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;~~

~~(9) (8) on property owned by:~~

- ~~(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or~~
- ~~(B) a department of public utilities created under IC 8-1-11.1; or~~

~~(10) (9) in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:~~

(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and

(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 2. IC 35-31.5-2-285, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 285. (a) "School property", **except as provided in subsection (b)**, means the following:

(1) A building or other structure owned or rented by:

- (A) a school corporation;
- (B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;
- (C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or
- (D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including the following:
  - (i) A Head Start program under 42 U.S.C. 9831 et seq.
  - (ii) A special education preschool program.
  - (iii) A developmental child care program for preschool children.

(2) The grounds adjacent to and owned or rented in common with a building or other structure described in subdivision (1).

**(b) "School property", for purposes of IC 35-47-9, means a building or other structure:**

**(1) owned or rented by:**

- (A) a school corporation;**
- (B) an entity that is required to be licensed under IC 12-17.2 or IC 31-27;**
- (C) a private school that is not supported and maintained by funds realized from the imposition of a tax on property, income, or sales; or**
- (D) a federal, state, local, or nonprofit program or service operated to serve, assist, or otherwise benefit children who are at least three (3) years of age and not yet enrolled in kindergarten, including a:**
  - (i) Head Start program under 42 U.S.C. 9831 et seq.;**
  - (ii) special education preschool program; or**
  - (iii) developmental child care program for preschool children; and**

**(2) that is being used exclusively by a school for a school function.**

**The term does not include parking lots adjacent to and owned or rented in common with a building or other structure described in this subsection if the parking lots are used by a person who is not enrolled as a student in any high school or is a high school student and is a member of a shooting sports team, and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on days the person is competing or practicing as a member of the shooting sports team. As applied to a person enrolled as a student in any high school who is not a member of a shooting sports team, the term includes parking lots adjacent to and owned or rented in common with a building or other structure described in this subsection.**

SECTION 3. IC 35-47-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) Except as provided in subsection (b)**, all firearms confiscated pursuant to statute shall, upon conviction of the person for the offense for which the confiscation was made, be disposed of in accordance

with this chapter.

(b) A law enforcement agency may retain a firearm confiscated pursuant to statute and issue the firearm to a law enforcement officer within the agency for use in the official performance of the law enforcement officer's duties."

Page 3, delete lines 7 through 9.

Page 3, line 10, after "dealer" insert "or a trade-in of a firearm to a licensed firearms dealer for credit to purchase firearms or other items".

Page 3, delete lines 34 through 36.

Page 4, line 2, reset in roman "firearms."

Page 4, line 2, delete "firearm if the serial number on" and insert "A firearm that is to be destroyed may be sold to a salvage company and destroyed by dismantling the firearm for parts, scrap metal, recycling, or for resale as parts for other firearms."

Page 4, delete line 3.

Page 4, line 38, delete "." and insert "unless the firearm buyback program is financed or funded with private funds or grants, and not public funds."

Page 5, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 6. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

(1) A:

- (A) federal;
- (B) state; or
- (C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

- (A) a school board (as defined by IC 20-26-9-4); or
- (B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) A person who:

- (A) may legally possess a firearm; and
- (B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

(5) A person who:

- (A) may legally possess a firearm; and
- (B) possesses a firearm that is:

- (i) locked in the trunk of the person's motor vehicle;
- (ii) kept in the glove compartment of the person's locked motor vehicle; or
- (iii) stored out of plain sight in the person's locked motor vehicle.

**For purposes of this subdivision, a person does not include a person who is enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team.**

SECTION 7. IC 35-47-9-2, AS AMENDED BY P.L.172-2013, SECTION 13, AND AS AMENDED BY P.L.158-2013, SECTION 601, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), a person who knowingly or intentionally possesses a firearm:

(1) in or on school property; or

(2) in or on property that is being used by a school for a

*school function; or*

~~(2)~~ (2) on a school bus;

commits a ~~Class D~~ Level 6 felony.

(b) A person who:

(1) may legally possess a firearm; and

(2) recklessly possesses a firearm that is left in a motor vehicle in plain view and is not:

(A) locked in the trunk of the person's motor vehicle;

(B) kept in the glove compartment of the person's locked motor vehicle; or

(C) stored out of plain sight in the person's locked motor vehicle;

commits a Class A misdemeanor."

Page 5, line 18, delete "." and insert "if the individual has not been convicted of a felony."

Page 5, delete lines 39 through 42.

Delete page 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 229 as printed January 24, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DERMODY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 273, 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 36-4-3-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) This section applies to an annexation in which **one hundred percent (100%) of the owners of land located outside but contiguous to a municipality file a petition with the legislative body of the municipality.**

**(b) This section applies to an annexation in which one hundred percent (100%) of the owners of land located outside of but not contiguous to a municipality files a petition before July 1, 2015, with the legislative body of the municipality**

~~(1)~~ requesting an ordinance annexing the area described in the petition. ~~and~~

~~(2)~~ signed by one hundred percent ~~(100%)~~ of the landowners that reside within the territory that is proposed to be annexed.

~~(b)~~ (c) Sections 2.1 and 2.2 of this chapter do not apply to an annexation under this section.

~~(c)~~ (d) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

~~(d)~~ (e) The municipality may:

- (1) adopt an annexation ordinance annexing the territory; and
- (2) adopt a fiscal plan and establish a definite policy by resolution of the legislative body;

after the legislative body has held a public hearing on the proposed annexation.

~~(e)~~ (f) The municipality may introduce and hold the public hearing on the annexation ordinance not later than thirty (30) days after the petition is filed with the legislative body. Notice of the public hearing may be published one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the hearing. All interested parties must have the opportunity to



testify at the hearing as to the proposed annexation.

~~(f)~~ (g) The municipality may adopt the annexation ordinance not earlier than fourteen (14) days after the public hearing under subsection ~~(e)~~: (f).

~~(g)~~ (h) A landowner may withdraw the landowner's signature from the petition not more than thirteen (13) days after the municipality adopts the fiscal plan by providing written notice to the office of the clerk of the municipality. If a landowner withdraws the landowner's signature, the petition shall automatically be considered a voluntary petition that is filed with the legislative body under section 5 of this chapter, fourteen (14) days after the date the fiscal plan is adopted. All provisions applicable to a petition initiated under section 5 of this chapter apply to the petition.

~~(h)~~ (i) If the municipality does not adopt an annexation ordinance within sixty (60) days after the landowners file the petition with the legislative body, the landowners may file a duplicate petition with the circuit or superior court of a county in which the territory is located. The court shall determine whether the annexation shall take place as set forth in section 5 of this chapter.

~~(i)~~ (j) A remonstrance under section 11 of this chapter may not be filed. However, an appeal under section 15.5 of this chapter may be filed.

~~(j)~~ (k) In the absence of an appeal under section 15.5 of this chapter, an annexation ordinance adopted under this section takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under section 22 of this chapter."

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

Page 1, line 3, strike "5.1(i)" and insert "5.1(j)".

Page 1, line 15, delete "The" and insert "After June 30, 2014, the".

Page 2, line 2, delete "The" and insert "After June 30, 2014, the".

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

"SECTION 4. IC 36-4-3-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.1. (a) This section applies to a remonstrance filed after March 31, 2014.**

**(b) If the court determines under section 11 of this chapter that a sufficient remonstrance has been filed, the court shall allow the signers of the remonstrance the signer's expenses incurred in filing the remonstrance, including reasonable attorney's fees, in an amount not to exceed forty thousand dollars (\$40,000).**

**(c) This section expires July 1, 2015.**

SECTION 5. IC 36-4-3-11.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.2. (a) Except as provided in subsections (b) and (c), a municipality may not annex contiguous territory under this chapter unless the municipal legislative body has, before April 1, 2014:**

- (1) introduced an annexation ordinance; and**
- (2) adopted a resolution adopting a fiscal plan and establishing a definite policy;**

**for the territory proposed to be annexed.**

**(b) This section does not prohibit an annexation:**

- (1) of noncontiguous property under IC 36-4-3-4; or**
- (2) for which a sufficient petition has been filed with the municipal legislative body under section 5 or 5.1 of this chapter requesting the adoption of an ordinance annexing the area.**

**(c) This section does not prohibit an annexation of property that a municipal legislative body finds and determines in writing is necessary for economic development within the municipality.**

**(d) A fiscal plan described in subsection (a)(2) may be amended one (1) time before the adoption of an annexation ordinance described in subsection (a)(1).**

**(e) The amendment provided in subsection (d) would not include an amendment for a clerical error or to add an omission.**

**(f) This section expires July 1, 2015."**

Page 3, after line 25, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an interim study committee for study during the 2014 legislative interim the following topics concerning annexation:**

- (1) Reasons for annexation.**
- (2) Contiguity requirements.**
- (3) Involuntary annexation.**
- (4) Litigation costs associated with annexation.**
- (5) Economic development requirements for annexation.**
- (6) Remonstrance process.**
- (7) Mandatory annexation for extension of municipal services.**
- (8) Contracts for payments in lieu of annexation**
- (9) Extraterritorial service disputes.**
- (10) Any other topic the committee determines to be necessary.**

**(b) If an interim study committee is assigned the topic described in subsection (a), the committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.**

**(c) This SECTION expires December 31, 2014.**

SECTION 8. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 273 as reprinted January 28, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 284, 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 20-28-4-4, AS AMENDED BY P.L.6-2012, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.** An entity approved by the department may establish a course of study that meets the requirements of this section. A program approved under this section must comply with the following requirements:

(1) Include the following study requirements:

- (A) For a program participant who seeks to obtain a license to teach in grades 5 through 12, up to eighteen (18) credit hours of study or the equivalent that:

- (i) prepares a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching; and
- (ii) provides the program participants with instruction in scientifically based reading instruction.

- (B) For a program participant who seeks to obtain a

license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, twenty-four (24) credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, 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.

(2) Focus on student mastery of standards established by the state.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

SECTION 2. IC 20-28-4-5, AS AMENDED BY P.L.205-2013, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

(C) 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 the subject or a related area that the individual intends to teach.

(D) 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.

(2) For a program participant who seeks to obtain a license to teach in ~~kindergarten~~ **prekindergarten** through grade 6, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at 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."

Page 2, after line 4, begin a new paragraph and insert:

"SECTION 4. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) This subsection applies to a contract in effect July 1, 2012, or upon the expiration of a contract **or part of a contract** in existence on July 1, 2011, whichever is earlier, and governs salary

increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.

(g) The department shall report any noncompliance with this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

(j) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 5. IC 20-28-9-15, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 15.

(a) **Except as provided in subsections (b) and (c)**, if during the term of the teacher's contract:

(1) the school is closed by order of the:

(A) school corporation; or

(B) health authorities; or

(2) school cannot be conducted through no fault of the teacher;

the teacher shall receive regular payments during that time.

(b) If a canceled student instructional day (as defined in IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher and (notwithstanding IC 20-27-8-7) each school bus driver shall work on that rescheduled day without additional compensation.

**(c) If a school is closed under subsection (a) on a day that is not an instructional day:**

**(1) on which the teacher is required to work and that work day is rescheduled; or**

**(2) on which teacher professional development training or education is provided and the teacher professional development training is rescheduled;**

**each teacher required to work or attend the professional development training or education shall work or attend the teacher professional development training or education on that rescheduled day without additional compensation.**

SECTION 6. IC 20-29-5-7, AS ADDED BY P.L.48-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section does not apply to the bargaining team for the exclusive representative.

(b) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created district wide committee may not exceed the percentage of teachers in the school corporation who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(c) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created school wide committee may not exceed the percentage of teachers in the school who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(d) A committee to which this section applies may not address subjects of bargaining under ~~this article~~ **section 4 of this chapter**. A school employer's appointment of a teacher to a committee is not an unfair practice as it relates to the appointment of the teacher committee members.

(e) By September 15 of each school year, the local president or other officer or designee of the exclusive representative shall certify by affidavit to the school employer the number of teachers in each school and in the entire school corporation who are members of the exclusive representative.

SECTION 7. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A school employer shall discuss with ~~the exclusive representative of certificated employees~~ **a committee of certificated employees established under IC 20-29-5-7** the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the

workplace, except those items required to be kept confidential by state or federal law.

(10) Hours.

SECTION 8. IC 20-29-6-13, AS AMENDED BY P.L.6-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) If, at any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, the board shall appoint a mediator from the board's staff or an ad hoc panel.

(b) The mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

(c) The mediation must consist of **at least one (1) but not more than three (3) mediation sessions** and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) ~~Each~~ **The exchange of each** party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

(d) Costs for the mediator shall be borne equally by the parties. **The board will initially reimburse the mediator for the mediator's services performed. Parties shall reimburse the board by paying all costs associated with mediation within thirty (30) days of receiving the invoice from the board.**

(e) Mediation shall be completed within thirty (30) days.

SECTION 9. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within ~~fifteen (15)~~ **thirty (30)** days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

**(c) The board may appoint a financial consultant to assist the factfinder during the factfinding process.** Costs for the factfinder **and a financial consultant** shall be borne equally by the parties. **The board shall initially reimburse the factfinder or financial consultant for their services. Parties shall reimburse the board by paying all costs associated with the factfinding within thirty (30) days of receiving an invoice from the board.**

(d) Factfinding may not last longer than fifteen (15) days.

SECTION 10. IC 20-29-7-4, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

- (1) setting out a summary of the facts involved; and
- (2) specifying the section or sections of this article alleged to have been violated.

**The complaint must be filed within three (3) years of the alleged unfair practice or within three (3) years of the time in which the school employer or school employee reasonably should have known of the alleged unfair practice.**

(c) The board shall:

- (1) give notice to the person or school employee organization against whom the complaint is directed; and
- (2) determine the matter raised in the complaint.

(d) Appeals may be taken under IC 4-21.5-3.

(e) A hearing examiner or agent of the board, who may be a member of the board, may:

- (1) take testimony; and
- (2) make findings and conclusions.

(f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

SECTION 11. IC 20-29-8-7, AS AMENDED BY P.L.229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder:

- (1) may restrict the factfinder's findings to those issues that the factfinder determines significant;
- (2) must restrict the findings to the items listed in IC 20-29-6-4; and
- (3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

- (1) the parties;
- (2) the board;
- (3) the board's staff; or
- (4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by ~~December 31 of the same year.~~ **February 1 of the following calendar year.**

(f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)** days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

- (1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and
- (2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

- (1) the report; or
- (2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any,

available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

SECTION 12. IC 20-29-8-10.1, AS ADDED BY P.L.229-2011, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.1. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of ~~five (5)~~ **two (2)** years except by the mutual consent of the parties.

SECTION 13. IC 20-40-14-1, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in this section, money received by a school corporation **from the proceeds of rental income, or earnings generated by other school corporation activities,** or for a specific purpose or purposes, by gift, endowment, or under a federal statute, may be accounted for by establishing separate funds apart from the general fund.

(b) Subsection (a) does not apply if local tax funds are involved.

(c) Money described in subsection (a) may not be accepted unless the:

- (1) terms of the gift, endowment, or payment; and
- (2) acceptance of the gift, endowment, or payment;

provide that the officers of the school corporation are not divested of any right or authority that the officers are granted by law.

SECTION 14. IC 20-40-14-2, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Both:

- (1) money received **from the proceeds of rental income, or earnings generated by other school corporation activities,** or for specific purposes, by gift, endowment, or under a federal statute; and
- (2) any earnings on money received for specific purposes, by gift, endowment, or under a federal statute;

may be disbursed without appropriation.

SECTION 15. IC 20-40-14-3, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A school corporation ~~shall~~ **may** maintain money received **from the proceeds of rental income, or earnings generated by other school corporation activities,** or by gift, endowment, or under a federal statute in a special fund as required by law, including IC 20-35-4-7.

SECTION 16. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an existing study committee, for study during the 2014 legislative interim, the topic of determining appropriate and feasible incentives to encourage highly effective teachers to teach in poor performing schools.**

**(b) This SECTION expires November 1, 2014.**

SECTION 17. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 284 as printed January 31, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 292, 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 4, delete lines 23 through 25.

Page 5, line 12, delete "provide" and insert "submit".

Page 5, line 13, delete "." and insert "**as part of the abortion clinic's licensure. The state department shall verify the validity of the admitting privileges document. The state department shall remove any identifying information from the admitting privileges document before releasing the document under IC 5-14-3.**

(d) **The state department shall confirm to a member of the public, upon request, that the admitting privileges required to be submitted under this section for an abortion clinic have been received by the state department.**

(e) **Notwithstanding IC 5-14-3-6 and IC 5-14-3-6.5, this section only allows for the redaction of information that is described in subsection (c). This section does not allow the state department to limit the disclosure of information in other public documents.**

(Reference is to SB 292 as printed January 31, 2014.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

DERMODY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 338, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "approved".

Page 3, line 2, delete "appointed".

Page 4, line 23, delete "an individual appointed under" and insert "**a state examiner**".

Page 4, line 24, delete "**subsection (b) or (c)**".

Page 4, line 28, after "reappointed." insert "**The term of a deputy examiner is coterminous with the term of the state examiner.**".

Page 5, line 4, delete "A member of the state board of" and insert "**The state examiner**".

Page 5, line 5, delete "accounts".

Page 5, line 7, delete "member's" and insert "**state examiner's**".

Page 5, line 13, after "after" insert "a".

(Reference is to SB 338 Printer's Error as printed January 29, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 343, 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 343 as printed January 31, 2014.)

Committee Vote: Yeas 12, Nays 0.

FRYE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 354, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be

amended as follows:

Page 2, line 4, after "." insert "**The program must be funded using the available resources of the department.**".

Page 2, line 5, delete "shall" and insert "**may**".

Page 2, line 21, delete "shall" and insert "**may**".

Page 2, line 21, after "coordinator" insert "**using only the available resources of the department**".

Page 2, line 22, delete "shall" and insert "**may**".

(Reference is to SB 354 as printed January 24, 2014.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 422, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 2015]".

Replace the effective date in SECTION 10 with "[EFFECTIVE JULY 1, 2015]".

Page 3, delete lines 22 through 42.

Delete pages 4 through 8.

Page 9, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year in which a tax sale will be held in a county and not later than fifty-one (51) days after the first tax payment due date in that calendar year, the county treasurer (or county executive, in the case of property described in subdivision (2)) shall certify to the county auditor a list of real property on which any of the following exist:

(1) ~~In the case of real property other than real property described in subdivision (2);~~ Any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10 and the delinquent property tax or special assessments due exceed twenty-five dollars (\$25).

(2) ~~In the case of real property for which a county executive has certified to the county auditor that the real property is:~~

(A) ~~vacant; or~~

(B) ~~abandoned;~~

any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. ~~The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made. The executive of a city or town may provide to the county executive of the county in which the city or town is located a list of real property that the city or town has determined to be vacant or abandoned. The county executive shall include real property included on the list provided by a city or town executive on the list certified by the county executive to the county auditor under this subsection.~~

(3) ~~(2) Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.~~

(b) The county auditor shall maintain a list of all real property eligible for sale. Except as provided in section 1.2 or another provision of this chapter, the taxpayer's property shall remain on the list. The list must:

- (1) describe the real property by parcel number and common address, if any;
- (2) for a tract or item of real property with a single owner, indicate the name of the owner; and
- (3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 6. IC 6-1.1-24-1.5, AS AMENDED BY P.L.169-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

- (1) In a county not containing a consolidated city, the county executive or the county executive's designee.
- (2) In a county containing a consolidated city, the executive of the consolidated city.

(b) The county executive or an executive of a city or town may, after obtaining an order under IC 32-30-10.6 that real property is vacant or abandoned and providing either the notice required by IC 32-30-10.6-6 or section 2.3 of this chapter, designate the real property on the list prepared under section 4.5(b) of this chapter that is eligible for listing on the list prepared under subsection (e).

(c) The county executive shall prepare a list of properties designated under subsection (b) and certify the a list of vacant or abandoned property to the county auditor. no later than sixty-one (61) days prior to the earliest date on which application for judgment and order for sale may be made.

(d) (c) Upon receiving the list lists described in subsection (e); (b), the county auditor shall do all the following:

- (1) Prepare a combined list of the properties certified by the ~~commission~~; executive of the county, city, or town. and
- (2) Delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.
- (3) Provide public notice of the sale of the properties under subsection (d) at least thirty (30) days before the date of the sale, which shall be published in accordance with IC 5-3-1.
- (4) Auction the property.
- (5) Issue a deed to the real property to the highest bidder whose bid is at least the minimum bid specified in this section.

The minimum bid for a property at the auction under this section is the proportionate share of the actual costs incurred by the county in conducting the sale. Any amount collected from the sale of all properties under this section above the total minimum bids shall first be used to pay the costs of the county, city, or town that certified the property vacant or abandoned for title search and court proceedings. Any amount remaining from the sale shall be certified by the county treasurer to the county auditor for distribution to other taxing units during settlement.

(d) Notice of the sale under this section must 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.

(3) A statement that the tracts or real property will not be sold for less than an amount equal to actual proportionate costs incurred by the county that are directly attributable to the abandoned property sale.

(4) 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.

(5) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(6) 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.

(7) 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."

Page 9, line 21, delete "section 1(a)(2)" and insert "section 1.5".

Page 9, delete lines 22 through 30, begin a new paragraph and insert:

"(b) If a notice was not sent with regard to a tract or real property as permitted by IC 32-30-10.6-6, a notice shall be sent to the owner of record and to any person with a substantial property interest of public record in the tract or real property at least one hundred twenty (120) days before the date of the certification under section 1.5 of this chapter. The notice must contain at least the following:

- (1) A statement that an abandoned property sale will be held on or after a specified date.
- (2) A description of the tract or real property to be sold.
- (3) A statement that any person may redeem the tract or real property at or before the abandoned property sale."

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

"SECTION 10. IC 6-1.1-24-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.1. A business entity that seeks to register to bid at a tax sale must provide a certificate of authority from the secretary of state to the county treasurer."

Page 11, delete lines 33 through 42.

Delete page 12.

Page 13, delete lines 1 through 41.

Page 14, delete lines 26 through 42.

Delete page 15, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-25-2, AS AMENDED BY P.L.56-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The total amount of money required for the redemption of real property equals:

- (1) the sum of the amounts prescribed in subsections (b) through (f); or
- (2) the amount prescribed in subsection (g);

reduced by any amounts held in the name of the taxpayer or the purchaser in the tax sale surplus fund.

(b) Except as provided in subsection (g), the total amount required for redemption includes:

- (1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or
- (2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if: the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus ~~ten~~ **five** percent (~~10%~~) (**5%**) per annum on the amount by which the purchase price exceeds the minimum bid on the property.

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus ten percent (10%) interest per annum on those taxes and special assessments.

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

- (1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.
- (2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued after the sale.

(g) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (f), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4)."

Page 16, line 4, after "IC 6-1.1-24" insert "**except for IC 6-1.1-24-1.5**".

Page 16, line 5, after "sale;" insert "**or**".

Page 16, line 7, delete ";" and insert ".".

Page 16, strike lines 8 through 9.

Page 16, line 10, strike "IC 6-1.1-24-1.5,".

Page 16, line 10, delete "if the sale occurs before July 1, 2014; or;".

Page 16, delete lines 11 through 19.

Page 16, line 35, delete ", if applicable,".

Page 16, delete lines 41 through 42.

Page 17, delete lines 1 through 3.

Page 18, line 17, after "between" insert "":

(1)".

Page 18, line 17, after "amount of" insert "":

(A)".

Page 18, line 18, after "IC 6-1.1-24-5" insert "; **plus**

**(B) any penalty associated with a delinquency that was not due until after the date of the sale under IC 6-1.1-24-5 but is due before the issuance of the certificate of sale, with respect to taxes included in the minimum bid that were not due at the time of the sale under IC 6-1.1-24-5;**".

Page 18, line 18, after "and" begin a new line block indented and insert:

"(2)".

Page 18, line 38, reset in roman "subsection".

Page 18, line 39, delete "subsections".

Page 18, line 39, after "(d)" insert ",".

Page 18, line 39, delete "and (k),".

Page 21, delete lines 34 through 37.

Page 22, line 32, after "IC 6-1.1-24-6.8," insert "**or with respect to penalties described in section 4(k) of this chapter,**".

Page 24, delete lines 29 through 42.

Page 25, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 20. IC 6-1.1-25-11, AS AMENDED BY P.L.73-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Subsequent to the issuance of the order directing the county auditor to issue a tax deed to real property sold under IC 6-1.1-24, a county auditor shall refund the purchase money plus ~~six~~ **five** percent (~~6%~~) (**5%**) interest per annum 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 if it is found by the court that entered the order for the tax deed that:

(1) the real property described in the deed was not subject to the taxes for which it was sold;

(2) the delinquent taxes or special assessments for which the real property was sold were properly paid before the sale; or

(3) the legal description of the real property in the tax deed is void for uncertainty.

(b) The grantee of an invalid tax deed, including the county, to whom a refund is made under this section shall execute, acknowledge, and deliver to the owner a deed conveying whatever interest the purchaser may have acquired by the tax sale deed. If a county is required to execute a deed under this section, the deed shall be signed by the county board of commissioners and acknowledged by the clerk of the circuit court.

(c) A refund may not be made under this section while an action initiated under either section 14 or 16 of this chapter is pending.

(d) If a sale is declared invalid after a claim is submitted under IC 6-1.1-24-7 for money deposited in the tax sale surplus fund and the claim is paid, the county auditor shall:

- (1) refund the purchase money plus six percent (6%) interest per annum 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; and
- (2) certify the amount paid to the property owner from the tax sale surplus fund as a lien against the property and as a civil judgment against the property owner."

Page 26, line 11, after "form" insert "**and the county auditor collects the sales disclosure fee set forth in IC 6-1.1-5.5-4**".

Page 28, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 22. IC 32-30-10.6-1, AS AMENDED BY P.L.203-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies to the following:

(1) A mortgage foreclosure action filed under IC 32-30-10-3.

(2) A determination that property is abandoned or vacant for purposes of IC 6-1.1-24 **or IC 34-30-26-7**.

SECTION 23. IC 32-30-10.6-3.5, AS ADDED BY P.L.203-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) This section applies to a property whether or not there is a mortgage on the property.

(b) As an alternative to seeking a determination of abandonment under any other statute, the executive of a **county, city, or town** that:

- (1) has jurisdiction in the location of a property; and
- (2) does not have a person designated as a hearing authority, as defined by IC 36-7-9-2;

may petition a court for a determination that the property is abandoned.

(c) A petition filed with the court under this section must do all the following:

- (1) Include a statement of the enforcement authority's jurisdiction in the location of the property.
- (2) Allege that the property is abandoned.
- (3) Include evidence that one (1) or more of the conditions set forth in section 5(a) or 5(b) of this chapter apply.

(d) A petition under this section shall be served on:

- (1) the creditor and the debtor, if the property is subject to a mortgage; and
- (2) any other appropriate party;

in the manner prescribed by the Indiana Rules of Trial Procedure.

**SECTION 24. IC 32-30-10.6-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) This section applies only to a petition by a county, city, or town for a court order of abandonment.**

**(b) Instead of providing notice at least one hundred twenty (120) days before the date of a certification under IC 6-1.1-24-1.5, the county, city, or town that is filing the petition may provide the notice referred to IC 6-1.1-24-2.3 at least one hundred twenty (120) days before a petition is filed under section 3.5 of this chapter.**

**(c) A court order of abandonment under this chapter authorizes the sale of the property and transfer of the deed of the property under IC 6-1.1-24-1.5.**

**SECTION 25. IC 34-30-26-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) This section applies to real property for which a city, town, or county has obtained a judgment under IC 32-30-10.6 that the real property is:**

- (1) vacant; or
- (2) abandoned;

**due to a request for a determination by an enforcement authority.**

**(b) A city, town, or county may provide a potential purchaser or a potential lender to a person who may want to purchase the real property an opportunity to visually inspect the real property, if accompanied by the appropriate enforcement authority. The appropriate enforcement authority may accompany the person in inspecting the real property and may enter upon the real property, including any structure located on the real property, to visually inspect the real property to determine whether the real property may be desirable. For purposes of a visual inspection under this section, a potential purchaser or a potential lender may not:**

- (1) request a utility provider or the city, town, or county to connect or turn on utilities to the real property; or
- (2) physically disturb or alter the real property.

**(c) An enforcement authority or a person that enters upon the premises of real property as permitted under this section:**

- (1) is immune from civil liability for an act or omission related to the entry, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and
- (2) shall be held harmless from and against all claims of civil or criminal trespass.

**SECTION 26. IC 36-7-9-2, AS AMENDED BY P.L.73-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. As used in this chapter:**

**"Community organization"** means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

- (1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;
- (2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;
- (3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- (4) has been incorporated for at least two (2) years; and
- (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

**"Continuous enforcement order"** means an order that:

- (1) is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional:

- (A) compliance and abatement authority; or
- (B) orders for the same or similar violations;

- (2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement;

- (3) can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and

- (4) authorizes the enforcement authority to assess and collect ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order.

**"Department"** refers to the executive department authorized by ordinance to administer this chapter. In a consolidated city, this department is the department of ~~metropolitan development~~ **code enforcement** subject to IC 36-3-4-23.

**"Enforcement authority"** refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, the division of development services is the enforcement authority, subject to IC 36-3-4-23.

**"Hearing authority"** refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by the director is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

**"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser"** means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

- (1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;
- (2) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or
- (3) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

**"Known or recorded substantial property interest"** means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, a lien as evidenced by a certificate of sale issued under IC 6-1.1-24, or an equitable interest of a contract purchaser, that:

- (1) may be affected in a substantial way by actions authorized by this chapter; and



(2) is held by a person whose identity and address may be determined from:

- (A) an instrument recorded in:
  - (i) the recorder's office of the county where the unsafe premises is located; or
  - (ii) the office of the county auditor of the county where the unsafe premises are located in the case of a lien evidenced by a certificate of sale issued under IC 6-1.1-24;
- (B) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or
- (C) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser."

Renumber all SECTIONS consecutively.

(Reference is to SB 422 as printed January 31, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MAHAN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agricultural products and fuels.

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 14, delete "contiguous".

Page 1, line 15, delete "field of".

Page 1, line 16, delete "means a:" and insert "means:".

Page 2, line 1, delete "person, joint venture, or cooperative" and insert "**an individual, a partnership, a company, or a corporation**".

Page 2, line 3, delete "person," and insert "**a person,**".

Page 2, line 6, delete "a person, joint" and insert "**an individual, a partnership, a company, or a corporation**".

Page 2, line 7, delete "venture, or cooperative".

Page 2, line 18, delete "Substance" and insert "**Substances**".

Page 2, line 30, after "commissioner." insert "**The state seed commissioner shall adopt rules to oversee the licensing, production, and management of:**

- (1) **industrial hemp; and**
- (2) **agricultural hemp seed;**

**to ensure integrity of audits and security of field sites of each commodity.**"

Page 4, line 40, after "inspect" insert "**independently, or in cooperation with the state police department, a federal law enforcement agency, or a local law enforcement agency,**".

Page 5, delete lines 30 through 35.

Page 6, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 15-16-2-36, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 36. (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

(1) the state chemist, under this chapter, IC 15-15-2, IC 15-16-4, and IC 15-19-7; and

(2) the state seed commissioner under IC 15-15-1 and **IC 15-15-13;**

shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

(b) On approval of the governor and the budget agency, the board of trustees may spend the excess funds for the construction, operation, rehabilitation, and repair of buildings, structures, or other facilities used for:

(1) carrying out the purposes of those chapters referred to in subsection (a) under which the fees are collected; or

(2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

SECTION 3. IC 34-30-24.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

#### **Chapter 24.2. Immunity Related to Domestic Fuels**

**Sec. 1. As used in this chapter, "associated dispensing equipment" means equipment that is:**

- (1) **intended for the storage and dispensing of any transportation fuel at a stationary facility that dispenses the transportation fuel into any fuel tank of any motor vehicle, motor vehicle engine, nonroad vehicle, nonroad engine, or nonroad equipment; and**
- (2) **subject to regulation under 29 CFR 1910.106 and 29 CFR 1926.152.**

**Sec. 2. For purposes of this chapter, "compatible" has the meaning set forth in 40 CFR 280.12.**

**Sec. 3. As used in this chapter, "E15" means a transportation fuel consisting of gasoline and ethanol, with ethanol constituting not more than fifteen percent (15%) of the volume of the transportation fuel.**

**Sec. 4. As used in this chapter, "motor vehicle" has the meaning set forth in Section 216 of the federal Clean Air Act, 42 U.S.C. 7550.**

**Sec. 5. As used in this chapter, "motor vehicle engine" means an engine in a motor vehicle.**

**Sec. 6. As used in this chapter, "nonroad engine" has the meaning set forth in Section 216 of the federal Clean Air Act, 42 U.S.C. 7550.**

**Sec. 7. As used in this chapter, "nonroad equipment" means any recreational, construction, industrial, agricultural, logging, residential, commercial lawn and garden, or other equipment that is powered by a nonroad engine.**

**Sec. 8. As used in this chapter, "nonroad vehicle" has the meaning set forth in Section 216 of the federal Clean Air Act, 42 U.S.C. 7550.**

**Sec. 9. As used in this chapter, "person" includes the following:**

- (1) **An individual.**
- (2) **A corporation.**
- (3) **A company.**
- (4) **An association.**
- (5) **A firm.**
- (6) **A partnership.**
- (7) **A society.**
- (8) **A joint stock company.**
- (9) **A governmental entity, including:**
  - (A) **the state;**
  - (B) **a county; and**
  - (C) **a political subdivision (as defined in IC 36-1-2-13).**

**Sec. 10. As used in this chapter, "provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground**

storage tank through one (1) of the mechanisms listed in 40 CFR 280.95 through 40 CFR 280.103, including a guarantor, an insurer, a risk retention group, a surety, the issuer of a letter of credit, the issuer of a state-required mechanism, and a state.

Sec. 11. As used in this chapter, "qualified person" means a person that sells, supplies, distributes, stores, manufactures, or refines a transportation fuel.

Sec. 12. As used in this chapter, "retailer" means a qualified person that operates the pump from which a transportation fuel is dispensed.

Sec. 13. As used in this chapter, "transportation fuel" means any fuel or fuel additive that is authorized, after January 1, 2010, by the administrator of the U.S. Environmental Protection Agency or under any federal law, for use in:

- (1) a motor vehicle;
- (2) a motor vehicle engine;
- (3) a nonroad vehicle;
- (4) a nonroad engine; or
- (5) nonroad equipment.

The term includes E15.

Sec. 14. As used in this chapter, "underground storage tank" has the meaning set forth in IC 13-11-2-241.

Sec. 15. As used in this chapter, "underground storage tank system" means an underground storage tank and:

- (1) connected underground piping;
- (2) underground ancillary equipment; and
- (3) a containment system, if any.

Sec. 16. (a) A qualified person other than a retailer is not liable for bodily injury or any damage that results if a self-service purchaser introduces into a motor vehicle, a motor vehicle engine, a nonroad vehicle, a nonroad engine, or nonroad equipment a transportation fuel that is:

- (1) not approved for the motor vehicle, motor vehicle engine, nonroad vehicle, nonroad engine, or nonroad equipment under Section 211 of the federal Clean Air Act, 42 U.S.C. 7545; or
- (2) not recommended by the warranty of the manufacturer of the motor vehicle, motor vehicle engine, nonroad engine, nonroad vehicle, or nonroad equipment.

(b) A retailer is not liable for bodily injury or any damage that results if:

- (1) a self-service purchaser introduces into a motor vehicle, a motor vehicle engine, a nonroad vehicle, a nonroad engine, or nonroad equipment a transportation fuel:

(A) not approved for the motor vehicle, motor vehicle engine, nonroad vehicle, nonroad engine, or nonroad equipment under Section 211 of the federal Clean Air Act, 42 U.S.C. 7545; or

(B) not recommended by the warranty of the manufacturer of the motor vehicle, motor vehicle engine, nonroad engine, nonroad vehicle, or nonroad equipment; and

- (2) the following statement, or a substantially similar statement, is prominently displayed on the pump from which the self-service purchaser pumps the transportation fuel:

**"THIS FUEL CONTAINS UP TO 15% ETHANOL.**

**Before fueling, regardless of the model or year of your vehicle, check your manufacturer's warranty regarding the compatibility of this fuel with your vehicle."**

Sec. 17. A transportation fuel is not considered a defective product if it does not violate a control or prohibition concerning a characteristic or component of the transportation fuel that is imposed by the administrator of

the United States Environmental Protection Agency under Section 211 of the federal Clean Air Act, 42 U.S.C. 7545.

Sec. 18. (a) A person is not liable for bodily injury or property damage that results if an underground storage tank, an underground storage tank system, or associated dispensing equipment that is used to store or dispense a transportation fuel is not compatible with that transportation fuel if the tank, system, or equipment has been determined to be compatible with the transportation fuel under subsection (c) or (d).

(b) A provider of financial assurance may not deny payment for a claim on the basis that an underground storage tank, an underground storage tank system, or associated dispensing equipment that was used to store or dispense a transportation fuel was not compatible with that transportation fuel if the tank, system, or equipment has been determined to be compatible with the transportation fuel under subsection (c) or (d).

(c) If an applicable law or regulation requires that an underground storage tank, an underground storage tank system, or associated dispensing equipment used to store or dispense a transportation fuel be listed by a nationally recognized testing laboratory and the requirement addresses material compatibility for the substance to be stored or dispensed from the tank, system, or equipment, the manufacturer of the tank, system, or equipment shall be provided the opportunity to satisfy the requirement by self-certifying the tank, system, or equipment under the following terms:

- (1) The manufacturer must be required to provide empirical information that:

(A) is substantially similar to the data used by a nationally recognized testing laboratory; and  
(B) would result in an approval of the tank, system, or equipment if requested by the equipment owner, regulatory body, insurance agency, or other materially affected party.

- (2) The manufacturer must sign a letter specifying:
  - (A) that the tank, system, or equipment is compatible with the specific fuels or the range of biofuel blends; and
  - (B) that the compatibility of the tank, system, or equipment is substantiated by the empirical information referred to in subdivision (1).

- (3) The letter must be sent:

(A) to the Petroleum Equipment Institute for publication in the Petroleum Equipment Institute's "Biofuels Compatibility Library"; or

(B) to a similar clearing house for publication in a similar publication.

(d) If an underground storage tank, an underground storage tank system, or associated dispensing equipment used to store or dispense a transportation fuel is not required by an applicable law or regulation to be listed by a nationally recognized testing laboratory, the manufacturer's approval of the tank, system, or equipment is an acceptable method of demonstrating that the tank, system, or equipment is compatible with the transportation fuel for the purposes of subsections (a) and (b).

(e) Any underground storage tank, underground storage tank system, or associated dispensing equipment that, as of July 1, 2014, has been listed by a nationally recognized testing laboratory as compatible with a transportation fuel is considered compatible with that transportation fuel for purposes of this section."

Page 7, after line 9, begin a new paragraph and insert:

**"SECTION 4. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 357 as printed January 28, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred Senate Bill 363, 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 363 as printed January 24, 2014.)

Committee Vote: Yeas 16, Nays 1.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 367, 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 93, delete lines 6 through 26.

Renumber all SECTIONS consecutively.

(Reference is to ESB 367 as printed February 24, 2014.) and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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 be amended as follows:

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

"SECTION 1. IC 6-1.1-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. "Assessment date" means

(1) ~~March 1~~ for all tangible property except mobile homes, as defined in IC 6-1.1-7-1.

(2) ~~January 15~~ for mobile homes as defined in IC 6-1.1-7-1. **the date on which tangible property is assessed and valued for purposes of collecting ad valorem property taxes imposed for that date. The term refers to the date specified in IC 6-1.1-2-1.5."**

Page 9, delete lines 5 through 28, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-4-9, AS AMENDED BY P.L.112-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In order to maintain a just and equitable valuation of real property, the department of local government finance may adopt a resolution declaring its belief that it is necessary to reassess all or a portion of the real property located within this state. If the department of local government finance adopts a reassessment resolution and if either a township or a larger area is involved (for assessments before ~~March 1, 2015~~) **January 1, 2016**) or one (1) or more groups of parcels under the county's reassessment plan are involved (for assessments after ~~February 28, 2015~~; **December 31, 2015**), the department shall hold a hearing concerning the necessity for the reassessment at the courthouse of the county in which the property is located. The department of local government finance shall give notice of the time and place of the hearing in the manner provided in section 10 of this chapter. After the hearing, or if the area involved is less than a township (for assessments before ~~March 1, 2015~~) **January 1,**

**2016**) or is less than one (1) group of parcels under the county's reassessment plan (for assessments after ~~February 28, 2015~~; **December 31, 2015**), after the adoption of the resolution of the department of local government finance, the department may order any reassessment it deems necessary. The order shall specify the time within which the reassessment must be completed and the date the reassessment will become effective."

Page 23, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 26. IC 6-1.1-17-5.6, AS AMENDED BY P.L.119-2012, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) For budget years beginning before July 1, 2011, this section applies only to a school corporation that is located in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000). For budget years beginning after June 30, 2011, this section applies to all school corporations. Beginning in 2011, each school corporation may elect to adopt a budget under this section that applies from July 1 of the year through June 30 of the following year. In the initial budget adopted by a school corporation under this section, the first six (6) months of that initial budget must be consistent with the last six (6) months of the budget adopted by the school corporation for the calendar year in which the school corporation elects by resolution to begin adopting budgets that correspond to the state fiscal year. A corporation shall submit a copy of the resolution to the department of local government finance and the department of education not more than thirty (30) days after the date the governing body adopts the resolution.

(b) Before ~~February~~ **April** 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before November 1.

(c) Each year, at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:

- (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget year;
- (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and
- (3) any written notification from the department of local government finance under section 16(i) of this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting under IC 6-1.1-29-4.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the

rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

SECTION 27. **An emergency is declared for this act.**"

Delete page 24.

Renumber all SECTIONS consecutively.

(Reference is to SB 420 as printed January 29, 2014.)  
and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

T. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 421, 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 7, line 26, delete "application," and insert "**application**".

Page 8, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 14. IC 25-2.1-1-3.8, AS AMENDED BY P.L.190-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3.8. "Attest" means to provide any of the following financial statement services:

(1) An audit or other engagement performed in accordance with the AICPA Statements on Auditing Standards (SAS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(2) A review of a financial statement performed in accordance with the AICPA Statements on Standards for Accounting and Review Services (SSARS) or other similar standards adopted by reference under IC 25-2.1-2-15.

(3) An examination of prospective financial information performed in accordance with the AICPA Statements on Standards for Attestation Engagements (SSAE) or other similar standards adopted by reference under IC 25-2.1-2-15.

(4) An engagement performed in accordance with the standards of the Public Company Accounting Oversight Board.

**(5) An examination, a review, or an agreed upon procedure to be performed in accordance with the SSAE, other than an examination described in subdivision (3).**

SECTION 15. IC 25-2.1-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) "Report", when used with reference to ~~financial statements~~, **any attest or compilation service**, means an opinion, **report**, or other form of language that states or implies assurance as to the reliability of ~~any the attested information or compiled~~ financial statements and that also includes or is accompanied by any statement or implication that the individual or firm issuing it has special knowledge or competence in accounting or auditing. The statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that the individual is an accountant or auditor or from the language of the report.

(b) The term includes any form of language that disclaims an opinion when the form of the language is conventionally understood to imply any positive assurance as to:

(1) the reliability of the **attested information or compiled** financial statements referred to; or

(2) special competence on the part of the individual or

firm issuing the language.

(c) The term includes any other form of language that is conventionally understood to imply an assurance or special knowledge or competence described in subsection (b).

SECTION 16. IC 25-2.1-2-4, AS AMENDED BY P.L.190-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A member of the board serves a term of three (3) years and until the member's successor is appointed and qualified.

(b) An individual may not serve more than ~~two (2)~~ **three (3)** complete terms. An appointment to fill an unexpired term is not a complete term.

(c) All terms expire on June 30.

SECTION 17. IC 25-2.1-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) Except as provided in subsection (c), to renew a certificate under this chapter an applicant must complete one hundred twenty (120) hours of continuing professional education during a three (3) year period with a minimum of twenty (20) hours each year.

(b) The board may prescribe the content, duration, and organization of continuing professional education courses that contribute to the general professional competence of the applicant.

(c) If a licensee desires to discontinue the practice of accountancy in Indiana, the licensee may select inactive **or retired** status on the renewal form. A licensee selecting inactive **or retired** status may renew a certificate under this chapter without completing the continuing professional education courses required by subsection (a).

(d) The board may establish the following:

(1) Prorated continuing professional education requirements to be met by applicants whose initial certificates were issued substantially less than three (3) years before the renewal date.

(2) Special lesser requirements to be met by applicants for certificate renewal whose prior certificates lapsed substantially before their applications for renewal or for an inactive **or retired** licensee who wishes to reactivate the licensee's license, when it would be inequitable to require a full compliance with all requirements of continuing professional education that would have been applicable to the period of lapse.

SECTION 18. IC 25-2.1-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An applicant for initial issuance or renewal of a permit to practice under this chapter must show that:

(1) a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to holders of an active CPA certificate issued under this article or a corresponding certificate that is issued after examination by another state; and

(2) the partners, officers, shareholders, members, or managers whose principal place of business is in Indiana and who practice accountancy in Indiana hold a valid CPA certificate issued under this article.

(b) For firms of public accountants, at least a simple majority of ownership of the firm, in terms of financial interests and voting rights, must belong to public accountants certified under IC 25-2.1-6.

(c) A firm issued a permit under this section may include nonlicensee owners if:

(1) the firm designates a licensee who is responsible for the proper registration of the firm and identifies that individual to the board;

(2) all nonlicensee owners are active individual participants in the CPA or PA firm or affiliated entities; and

(3) the firm complies with the other requirements that the board may impose by rule.

(d) An individual licensee who is responsible for supervising attest or compilation services and signs or authorizes an individual to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirements set out in the professional standards adopted by the board for the services.

(e) An individual licensee who signs or authorizes an individual to sign the accountant's report ~~on the financial statements~~ on behalf of the firm shall meet the competency requirement of subsection (d).

SECTION 19. IC 25-2.1-8-4, AS ADDED BY P.L.190-2007, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The accountant investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon a person who holds a certificate as an accounting practitioner, a CPA, or a PA under IC 25-2.1-2-12(b); ~~and~~

(2) civil penalties collected under IC 25-2.1-13-3(b); ~~and~~

**(3) civil penalties collected under IC 25-1-11-12.**

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds ~~seven hundred fifty thousand dollars (\$750,000)~~ **one million dollars (\$1,000,000)** at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds ~~seven hundred fifty thousand dollars (\$750,000)~~ **one million dollars (\$1,000,000)** reverts to the state general fund.

(e) Money in the fund is continually appropriated to the Indiana professional licensing agency for its use in administering and enforcing this article and conducting investigations and taking enforcement action against persons violating this article.

(f) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the Indiana professional licensing agency shall present the memorandum of understanding annually to the board for review.

SECTION 20. IC 25-2.1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Except as provided in subsection (b), an individual or a firm not holding a valid CPA or public accountant certificate under this article or permit under IC 25-2.1-5 may not issue a report on financial ~~or attested~~ statements of another individual, member, organization, or governmental unit.

(b) Notwithstanding subsection (a):

(1) an officer, a partner, or an employee of a firm or an organization may sign a statement or report in reference to the financial affairs of the firm or organization with any wording designating the position, title, or office that the signor holds; and

(2) a public official or employee may, in the performance by an individual of other services, use accounting skills, including the preparation of tax returns, management advisory services, and the preparation of financial statements without the issuance of reports related to those documents.

(c) A CPA or public accountant may not issue a report in

standard form upon a compilation of financial information through any form of business that does not hold a valid permit issued under IC 25-2.1-5 unless the report discloses the name of the business through which the individual is issuing the report, and the individual:

(1) signs the compilation report identifying the individual as a CPA or public accountant; and

(2) meets the competency requirement provided in applicable standards.

SECTION 21. IC 25-2.1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual may not use the title or designation "certified public accountant", the abbreviation "CPA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the individual is a certified public accountant unless the individual:

(1) holds a valid CPA certificate;

(2) meets the substantial equivalency standards of this article; or

(3) is an employee of a firm holding a permit under IC 25-2.1-5 and has not been an employee long enough to meet the experience requirement under IC 25-2.1-3-10 for a certificate.

(b) A licensee who has selected inactive status on the licensee's renewal form may not use the title or designation "certified public accountant" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "inactive".

**(c) A licensee who has selected retired status on the renewal form of the licensee may not use the title or designation "certified public account" or the abbreviation "CPA" unless the title, designation, or abbreviation is immediately followed by the word "retired".**

SECTION 22. IC 25-2.1-13-3, AS AMENDED BY P.L.190-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An individual or a firm who knowingly violates IC 25-2.1-12 commits a Class A misdemeanor.

(b) If the board finds that an individual or a firm ~~knowingly~~ violates IC 25-2.1-12 or a rule or order established by the board under this section, the board may impose a civil penalty of not more than twenty-five thousand dollars (\$25,000) per violation. Penalties collected under this section shall be deposited in the accountant investigative fund established by IC 25-2.1-8-4."

Delete page 9.

Page 10, delete lines 1 through 32.

Page 15, delete lines 23 through 42.

Page 23, between lines 28 and 29, begin a new paragraph and insert:

**"SECTION 34. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "agency" refers to the Indiana professional licensing agency.**

**(b) Before October 1, 2014, the agency shall submit a report to the legislative council in an electronic format under IC 5-14-6 to establish a process to allow individuals employed in an occupation who meet certain requirements to certify to the agency the individual's qualifications to be included on a list maintained by the agency.**

**(c) The report required in subsection (b) must include the following:**

**(1) Occupations that may be included on the list.**

**(2) Whether to provide title protection for the individuals included on the list.**

**(3) Enforcement provisions that would be used.**

**(4) A description of auditing and maintenance of the list.**

**(5) The cost of establishing and maintaining a list.**

**(6) The cost of an individual applying for and renewing inclusion on the list.**

**(d) This SECTION expires December 31, 2014."**

Renumber all SECTIONS consecutively.  
 (Reference is to SB 421 as reprinted January 31, 2014.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 8, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SCR 8 as introduced.)  
 Committee Vote: Yeas 8, Nays 0.

SOLIDAY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 11, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SCR 11 as introduced.)  
 Committee Vote: Yeas 8, Nays 0.

SOLIDAY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred Senate Concurrent Resolution 24, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SCR 24 as introduced.)  
 Committee Vote: Yeas 8, Nays 0.

SOLIDAY, Chair

Report adopted.

### RESOLUTIONS ON FIRST READING

#### House Resolution 31

Representative V. Smith introduced House Resolution 31:

A HOUSE RESOLUTION recognizing the Bill Johnson Film Festival.

*Whereas, African American Achievers Youth Corps, Inc., partners with other local groups to sponsor a film festival dedicated to Gary native William L. Johnson, which will be hosted by the actor;*

*Whereas, William Johnson is a graduate of Emerson School for Visual and Performing Arts and has had starring roles in many theatrically released projects, including the lead role in "Blue Hill Avenue", which garnered top honors at the Acapulco and Black Hollywood Film Festivals;*

*Whereas, More than just an actor, William Johnson's goal is to "reinvest the majority of his earnings into a structured business that supports the advancement of the urban community. By spreading the message of self-reliance and providing opportunities to qualified individuals from disadvantaged backgrounds, he hopes to break the cycle that keeps generations impoverished";*

*Whereas, Equally important to William Johnson is his passion to deliver conscious messages through his music using his stage persona, "Brotha Bill";*

*Whereas, William Johnson has been involved in more than 20 film projects and independent short films and features, including "Motives 2", "The Mannsfield 12", "Crossover", "Doing Hard Time", "Tears of a Clown", "Motives", "Move", "Wanted: Soulful Energy Xchange" with Gary Dourdan and Mari Morrow, and director Tony Spires' "Two Degrees" starring Don "DC" Curry;*

*Whereas, JoAnna Rhambo and Reggie Gaskins also attended the Bill Johnson Film Festival;*

*Whereas, JoAnna Rhambo began studying acting, singing, and modern, jazz, African and ballet dancing as a teenager;*

*Whereas, Her first stage production was "Chicago Club Ramboogie", performing in several runs of the production, which went on to earn multiple NAACP Theatre Awards;*

*Whereas, Eager to learn all about the film making process, JoAnna Rhambo has worked in several different positions on productions, including producing, casting, script supervisor, and assistant director;*

*Whereas, In 2011, JoAnna started her own production company called Hazel Honey Films;*

*Whereas, Reggie Gaskins is an award winning writer and director who began his acting career at the prestigious Freedom Theatre, where he perfected his skills as an actor, playwright, and director;*

*Whereas, Reggie Gaskins began writing plays for himself because he was unhappy with the limitations of the roles in which he was cast;*

*Whereas, Moving to Los Angeles, Reggie found success as a comedic actor, television and film writer, director, and producer;*

*Whereas, Reggie has also found success as an independent film writer, producer, and director with two award winning films, "The Lying Truth" and "Restraining Order";*

*Whereas, The Bill Johnson Film Festival came about as an idea to help northwest Indiana come together to share ideas and discussion surrounding film messages; and*

*Whereas, The arts are a valuable tool in creating an atmosphere of understanding and open a discussion to help bring the community together in a meaningful way: 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 value to the community of the Bill Johnson Film Festival and thanks William L. Johnson for dedicating his time and energy to this worthwhile project.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the African American Achievers Youth Corps, Inc., and William L. Johnson.

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

#### House Resolution 32

Representatives Shackleford, Forestal and Kirchofer introduced House Resolution 32:

A HOUSE RESOLUTION congratulating the Walker Career Center Nanoline Team.

*Whereas, The Walker Career Center Nanoline Team are the National Champions of the Phoenix Contact Nanoline Competition;*

*Whereas, The Walker Career Center Nanoline Team competed against five teams, including two teams from Benton Central located in Indiana;*

*Whereas, The Walker Career Center Nanoline Team also won the Excellence Award for Communication-Marketing/Sales;*

*Whereas, The Walker Career Center Nanoline Team and their sponsor, Jim Hanson, will be preparing for their trip to Germany to participate in the Hannover Fair TectoYou booth;*

*Whereas, The team, four juniors and one senior, consisted of Brian Wyatt, Emma Griffith, Jaidy Hernandez, Jon Owens, and Portia Jefferson;*

*Whereas, The Walker Career Center Nanoline Team utilized their knowledge from Project Lead the Way pre-engineering courses which combines science, technology, engineering, and mathematics (STEM) programs along with the rigors to prepare students for a career in one of the many STEM fields;*

*Whereas, The team's project RoboDose, an automated pill dispensary, tested their knowledge and understanding of engineering and design and its application to a real world problem; and*

*Whereas, Excellence such as this deserves 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 Walker Career Center Nanoline Team on their victory and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to team members Brian Wyatt, Emma Griffith, Jaidy Hernandez, Jon Owens, and Portia Jefferson and sponsor Jim Hanson.

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

### House Resolution 33

Representative Austin introduced House Resolution 33:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the task of examining the economic and workforce development impact of the medical device industry in Indiana.

*Whereas, Indiana's medical device industry is one of the most valuable economic assets, employing more than 20,000 people and generating more than \$10 billion of annual economic output: 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 to the appropriate study committee the task of examining the economic and workforce development impact of the medical device industry in Indiana.

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

### House Resolution 34

Representatives Errington, Pierce and Goodin introduced House Resolution 34:

A HOUSE RESOLUTION honoring Michael Brandenburg.

*Whereas, An Austin, Indiana, native, Michael Brandenburg originally thought that he would have a career in aquatic biology;*

*Whereas, However while at Ball State University, Michael began studying voice;*

*Whereas, Michael received a Jacobs Fellowship from Indiana University's Jacobs School of Music to pursue a performer diploma;*

*Whereas, While at Indiana University, Michael made his stage debut as Le Prince Charmant in Massenet's "Cendrillon" with the Indiana University Opera and Ballet;*

*Whereas, In 2013 Michael was selected as one of the six Grand Finalists in the Metropolitan Opera National Council Auditions and was one of the two Grand Finalists in the Bel Canto Competition in Chicago; and*

*Whereas, Michael Brandenburg has given his fellow Hoosiers and people around the country many hours of musical enjoyment: 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 Michael Brandenburg on his successful musical career and thanks him for the many hours of joy he has given to his state and his country.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Michael Brandenburg.

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

### House Resolution 35

Representative V. Smith introduced House Resolution 35:

A HOUSE RESOLUTION recognizing Vivian Carter and Vee-Jay Records.

*Whereas, Born in Tunica, Mississippi on March 25, 1921, Vivian Carter moved to Gary as a child;*

*Whereas, Vivian met James C. Bracken, her future husband, in 1944;*

*Whereas, In 1948, Vivian won a talent contest conducted by the legendary Al Benson for new radio deejays in Chicago and her life in the music industry began;*

*Whereas, Vivian worked as a deejay at WGES in Chicago and WJOB in Hammond and, together with James, founded Vivian's Record Shop in Gary;*

*Whereas, In 1953, after three years of saving their money, Vivian Carter and James C. Bracken founded Vee-Jay Records in Gary;*

*Whereas, Meanwhile, Vivian continued deejaying in Gary, joining WGRY and then moving to WWCA, which was instrumental in attracting talent to their new label;*

*Whereas, Vee-Jay Records quickly became a major independent record label, with their first recorded song going to the top ten on the national rhythm and blues charts;*

*Whereas, Vee-Jay also enjoyed considerable success with rock and roll and jazz acts, most notably the Four Seasons and the Beatles;*

*Whereas, Vee-Jay records disbanded in 1966, but Vivian remained active in radio well into the 1980s; and*

*Whereas, Vee-Jay Records and Vivian Carter contributed a tremendous legacy of blues, rhythm and blues, doowop, jazz, soul, pop, and rock and roll for future generations to enjoy: 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 wishes to remember the contributions of Vivian Carter and Vee-Jay Records to the music industry.

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

### House Resolution 36

Representative Turner introduced House Resolution 36:

A HOUSE RESOLUTION recognizing Indiana Wesleyan

University's commitment to making a college education available to Hoosiers of all income levels.

*Whereas, In today's uncertain economy, many Hoosier families had begun to think that a college education would be out of reach;*

*Whereas, Indiana Wesleyan University is doing something to help these families;*

*Whereas, The university has created a plan allowing low-income Indiana residents to earn a four-year college degree with only \$10,000 of student loan debt;*

*Whereas, The Hoosier 10K Plan was created to serve Indiana residents who have the highest financial need and are willing to pursue a variety of options available for financial aid;*

*Whereas, Based on data provided by The Project on Student Debt, 64 percent of the class of 2012 students graduated in debt, with the average debt being \$27,886;*

*Whereas, Indiana Wesleyan University has committed to making education affordable for all Hoosier students; and*

*Whereas, A college education is vital for all young Hoosiers if they are to succeed in today's fast-paced world: 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 Indiana Wesleyan University for creating the Hoosier 10K Plan to help low-income students obtain a college education.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Indiana Wesleyan University President David Wright.

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

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

### House Concurrent Resolution 36

Representative Bosma introduced House Concurrent Resolution 36:

A CONCURRENT RESOLUTION congratulating the Indiana Association of Rehabilitation Facilities, Inc., on the occasion of the 40th anniversary of its establishment.

*Whereas, The Indiana Association of Rehabilitation Facilities, Inc., (INARF) is the principal trade association serving the needs of Indiana's disability service provider community;*

*Whereas, The Association brings together a diverse array of providers, all of whom are dedicated to serving and empowering persons with disabilities;*

*Whereas, Celebrating its 40th year of operation this year, INARF came from humble beginnings as a volunteer organization, but is 79 institutional members strong with 44 associate members supporting the missions of the provider community and is active in every county in Indiana;*

*Whereas, INARF and its members have consistently demonstrated the ability to serve as a catalyst for positive change, promoting best practices to empower persons with disabilities, and working collaboratively with industry partners, including The Arc of Indiana and Self-Advocates of Indiana and the Indiana Division of Disability and Rehabilitative Services (DDRS) and the Commission on Developmental Disabilities; and*

*Whereas, The Indiana General Assembly applauds INARF for 40 years of service to the provider community and productive partnerships with policymaking bodies and the disability community. As a driving force for positive change and systemic innovation, INARF and its members are applauded for 40 years of service and countless efforts to sustain a vibrant system of services and supports: 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 expresses its deep gratitude to the Indiana Association of Rehabilitation Facilities, Inc., for its four decades of dedicated service to the citizens of Indiana who need help the most, urges it to continue its good work, and congratulates it on the occasion of the 40th anniversary of its establishment.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to INARF and its members.

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 Breaux and Grooms.

The Speaker Pro Tempore yielded the gavel to the Speaker.

### House Concurrent Resolution 46

Representatives Ober and GiaQuinta introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION recognizing Easter Seals Arc.

*Whereas, In 1954, a dedicated group of Allen County parents formed the "Retarded Children's Society of Allen County" to promote the general welfare of the mentally retarded of Allen County and to develop and provide methods and means of education to the mentally retarded;*

*Whereas, In 1968, the agency's name changed from "Retarded Children's Society of Allen County" to the "Allen County Association for the Retarded, Inc.";*

*Whereas, In 1972, the first group home in the state of Indiana was built and used as a training home for adults preparing to live independently;*

*Whereas, In 1982, the agency's name changed from "Allen County Association for the Retarded, Inc." to "Association for Retarded Citizens of Allen County, Inc.";*



*Whereas, In 1989, the association started the first statewide self-advocacy organization;*

*Whereas, In 1994, the agency's name changed from "Association for Retarded Citizens of Allen County, Inc." to "The Arc of Northeast Indiana, Inc.";*

*Whereas, In 2000, The Arc of Northeast Indiana, Inc., affiliated with Easter Seals to become "Easter Seals Arc of Northeast Indiana", expanding not only its geographic service area, but also extending service provisions to include people with any disability;*

*Whereas, Easter Seals Arc provides a wide variety of person-centered programs designed to include a wide variety of activities that enhance the participants' personal and social lives;*

*Whereas, Easter Seals Arc helps clients obtain and maintain community-based employment through career explorations, job readiness, soft skills training, job development, follow along services, and individual job coaching;*

*Whereas, Easter Seals Arc offers both "sheltered" and "competitive" work opportunities in a safe and structured environment while providing a valuable service to the business community and providing every client with direct care staff to help clients achieve their goals;*

*Whereas, Through Easter Seals Arc's Supported Living Services, people with disabilities can learn to actively participate in the community and live more independently;*

*Whereas, Easter Seals Arc, from its simple beginning of six students, has expanded its services to serve more than 1,000 children, adults, and families annually; and*

*Whereas, Easter Seals Arc has spent the past 60 years consistently creating opportunities for people with disabilities to live meaningful lives and looks forward to filling the next 60 years with even greater opportunities: 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 recognizes the contributions of Easter Seals Arc in enabling people with disabilities to live meaningful lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Easter Seals Arc.

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 Wyss and Long.

#### **House Concurrent Resolution 47**

Representative Wolkins introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION acknowledging the many contributions of Cardinal Services.

*Whereas, Before the 1950's, individuals with disabilities were shunned from society, either institutionalized or hidden at home;*

*Whereas, A group of families who came together in 1954 with a goal of providing an education for their children with disabilities began providing services in a family home;*

*Whereas, In 1963, the name Cardinal Center was chosen; Cardinal meaning "of primary importance";*

*Whereas, In 1964, Cardinal opened a sheltered workshop for adults with developmental disabilities, demonstrating that these*

*adults had many talents to contribute to the business community and that they could play a valuable role in our workforce;*

*Whereas, In 1969, an educational wing was constructed with state and local funds;*

*Whereas, Cardinal was designated as a comprehensive mental health center, and early intervention classes for children with developmental delays began;*

*Whereas, In 1976, Cardinal launched job placement and vocational evaluation services for people with disabilities, enabling them to become contributing, valued employees in businesses in northern Indiana;*

*Whereas, Cardinal has since expanded its array of services to meet the changing needs of our community, offering residential group home, community living residential, affordable housing, and day services to adults with disabilities and First Steps, Healthy Families, Head Start, and WIC services to children from birth to age five;*

*Whereas, From its simple beginning in a family home, Cardinal has expanded its services to serve approximately 4,000 children and adults and families annually from the Northern Indiana counties of Cass, Elkhart, Fulton, Kosciusko, and Marshall; and*

*Whereas, Cardinal has spent the past 60 years creating opportunities for people with disabilities and young children with challenges to live meaningful lives and looks forward to the next 60 years filled with even greater opportunities: 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 recognizes the many contributions made by Cardinal Services and thanks the agency for its years of devotion to those in need of services.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Cardinal Services.

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 Mishler.

#### **House Concurrent Resolution 48**

Representative Karickhoff introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION recognizing the Bona Vista Programs, Inc.

*Whereas, Community-based organizations are the gateway to families who are seeking support and services for a child or adult with disabilities; Bona Vista Programs, Inc., is the vehicle for families to find appropriate, individually-based services that meet the needs of each child and adult;*

*Whereas, Since 1958 Bona Vista Programs has provided services to those with disabilities in our community to help them realize their fullest potential;*

*Whereas, The Bona Vista School was founded at a downtown Kokomo location by a group of parents who joined together because they needed educational services for their children with disabilities;*

*Whereas, Since the needs of those served are ever-changing and growing, Bona Vista Programs built its main location in 1965 and has continued to provide early childhood and administrative services at this location along with five other locations in Kokomo and satellite offices in Peru, Logansport, and Noblesville;*

*Whereas, Bona Vista Programs now provides innovative early childhood programming that is specially designed for each child's development through Keys for Kids Preschool, Kindergarten Readiness, Positive Results for Kids, Child Care Solutions, Imagine That! Innovation Center, and Early Head Start;*

*Whereas, Adult Services provides an array of day programming options for individuals with disabilities to experience activities that enrich their personal growth through Community Connections, our day programming for adults with severe and profound disabilities, and Habilitation Services that provides individual and group training classes to adults with disabilities;*

*Whereas, WorkForce Diversity provides job placement services to individuals with disabilities while acquiring and maintaining employment in the community through resume and job development, on the job training, community job shadowing, internship programming, follow along services, and individualized employment specialist support;*

*Whereas, Through Bona Vista's Supported Living and Residential Services programming, individuals with disabilities can enhance their personal lives through community involvement and independent living;*

*Whereas, Bona Vista Industries offers work services as an employment option to enhance the vocational aptitude and independent living skills of adults with disabilities, while also providing these individuals with valuable training and everyday support;*

*Whereas, Bona Vista understands the importance of centering services around the child or adult as a result of decades of experience, which started when we provided services to 33 children in 1958 and continues as we now serve more than 2,000 individuals on a daily basis in 21 counties throughout north central Indiana serving Adams, Blackford, Carroll, Cass, Clinton, Delaware, Fulton, Grant, Hamilton, Hancock, Howard, Huntington, Jasper, Jay, Madison, Miami, Pulaski, Tipton, Wabash, Wells, and White counties; and*

*Whereas, Over the last 55 years, Bona Vista Programs, Inc., has consistently been proactive in the creation of programming and services for the ever-changing needs of the children and adults with and without disabilities in our local communities, and Bona Vista now looks ahead to future growth: 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 recognizes the value of Bona Vista Programs, Inc., to the needy in our state and thanks the organization for its dedication and service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Bona Vista Programs, 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. Senate sponsor: Senator Buck.

#### **House Concurrent Resolution 49**

Representatives Klinker and Truitt introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a section of U.S. Highway 231 the "Ray Ewry Memorial Highway".

*Whereas, Ray Ewry was born on October 14, 1873, and grew up in Lafayette, Indiana;*

*Whereas, Mr. Ewry was orphaned at the age of 5 and diagnosed with polio at 7;*

*Whereas, Ray Ewry, despite being told he would never walk again, was able to stand and walk with the help of a physical therapist who strengthened his legs;*

*Whereas, Mr. Ewry's tenacity and self-determination were described in this way: "There was Ray, doing his exercises from the moment he woke up in the morning until the moment he fell asleep at night. There was Ray, pushing himself out of his chair and onto the ground, pushing the earth away, teaching himself to stand. There was Ray, balancing himself on his two feet. There was Ray, leaving the ground, jumping. Imagine the look on the boy's face as he jumped for the first time. Ray jumped over and over again. He jumped simply because he could. He jumped not for glory or for gold, but to keep the wheelchair away";*

*Whereas, Ray Ewry went on to lead the Purdue University varsity track team in its first national title, breaking records in the standing high jump, the standing long jump, and the standing triple jump;*

*Whereas, Mr. Ewry competed in the Paris Olympics in 1900, the St. Louis Olympics in 1904, the Athens Olympics in 1906, and the London Olympics in 1908, winning every event he competed in for a total of 10 gold medals;*

*Whereas, Ray Ewry was dubbed "L'Homme Grenouille" or the "Frog Man" due to the length and height he was able to leap, bound, and hop;*

*Whereas, Ray Ewry is among the most successful Olympians of all time, second only to Michael Phelps' 11 medals;*

*Whereas, Mr. Ewry was inducted into the USA Track and Field Hall of Fame in 1974;*

*Whereas, Mr. Ewry used the engineering degree he received from Purdue University to build dams and reservoirs for the New York Board of Water Supply that still today supply drinking water to a city of over 8 million residents; and*

*Whereas, Mr. Ewry inspires all of us to "dream big" and to believe that nothing is beyond our reach. His achievements are a reminder to all that we can overcome any limitation if we are prudent, work hard, and truly believe in our ability to succeed: 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 honors the memory of Raymond Clarence Ewry and his legacy by renaming a section of U.S. Highway 231 the "Ray Ewry Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Ray Ewry and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

#### **Senate Concurrent Resolution 25**

The Speaker handed down Senate Concurrent Resolution 25, sponsored by Representatives DeVon, Bauer and Wesco:

A CONCURRENT RESOLUTION congratulating 1st Source Bank on 150 years of service to the communities of northern Indiana and southwestern Michigan.

*Whereas, 1st Source Bank was founded as First National Bank of South Bend, Indiana just eleven days after President*

*Abraham Lincoln's delivery of the Gettysburg Address in 1863, making 1st Source Bank a venerable member of the Indiana business community;*

*Whereas, 1st Source Bank has been run by the same family since the 1930s, with a focus on the local communities where its branches are located;*

*Whereas, 1st Source Bank has been honored by Forbes as one of America's best banks and named one of the top 1,000 banks in the world for 2013 by The Banker magazine; and*

*Whereas, 1st Source Bank's community roots and dedication to providing "straight talk and sound advice" to those in its communities has allowed the bank to thrive and grow over the past 150 years: 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 congratulates 1st Source Bank on 150 years in the communities of northern Indiana and southwestern Michigan.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Christopher Murphy III, Chairman and CEO of 1st Source Bank.

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.<sup>26</sup>

#### **Senate Concurrent Resolution 26**

The Speaker handed down Senate Concurrent Resolution 26, sponsored by Representatives DeVon and Wesco:

A CONCURRENT RESOLUTION congratulating the Penn High School poms team on winning the state championship.

*Whereas, After winning first place in all three of their regular invitationals, the Penn High School poms team captured the state championship at the competition hosted by the Indiana High School Dance Team Association;*

*Whereas, The team was led by Abby Penland, the Penn Poms team captain, and Cindi Minegar, the Penn Poms team coach, who has now led the Penn High School poms team to five state championships;*

*Whereas, The competitive dance team was judged on choreography, difficulty, technique, pictures, unison, and showmanship; and*

*Whereas, Extensive training, precision, and teamwork marked the poms team's perfect season and exceptional success: 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 congratulates the Penn High School poms team on their state championship and successful season.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the coach of the Penn High School poms team, Cindi Minegar.

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 27**

The Speaker handed down Senate Concurrent Resolution 27, sponsored by Representatives DeVon and Bauer:

A CONCURRENT RESOLUTION honoring J. Larry Neff for his 40 years as CEO and President of Goodwill Industries of Michiana.

*Whereas, J. Larry Neff's tenure as CEO and President of Goodwill Industries of Michiana has been marked with innovation and success;*

*Whereas, Under his leadership, Goodwill Industries of Michiana has grown from 41 employees to a fiscally strong organization that now serves 16 counties with over 600 employees, 22 retail stores, and 14 workforce development centers;*

*Whereas, Last year alone, more than 5,000 individuals received assistance and training through Goodwill career centers and programs such as "Welfare to Work," and more than 750 individuals were placed in jobs; and*

*Whereas, Larry has been elected to the South Bend Community Hall of Fame to recognize his achievements: 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 congratulates J. Larry Neff for his successful 40 years as CEO and President of Goodwill Industries of Michiana and thanks him for his service to the state of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to J. Larry Neff.

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 28**

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representatives Neese and Wesco:

A CONCURRENT RESOLUTION congratulating the Elkhart Central High School baseball team on winning the Indiana High School Athletic Association's Class 4A State Championship title.

*Whereas, For the first time in the IHSAA tournament's history, Elkhart Central High School's baseball team claimed the state championship;*

*Whereas, Elkhart Central's Blue Blazers defeated Cathedral's Fighting Irish at Victory Field in Indianapolis, Indiana on June 15, 2013, 1-0 to win the title;*

*Whereas, The team was led by head coach Steve Stutsman and senior pitcher Tanner Tully, who pitched 13 strikeouts and whose home run hit was the first at bat of the team's championship game; and*

*Whereas, Along with being recognized for their exceptional sportsmanship and teamwork with the IHSAA Class 4A State Championship, senior center fielder Matt Eppers was awarded the IHSAA's Class 4A L.V. Phillips Mental Attitude Award after the game as well: 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 congratulates the Elkhart Central High School baseball team, the Blue Blazers, on winning the Indiana High School Athletic Association's Class 4A Championship and their first state title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Elkhart Central High School baseball team and their head coach, Steve Stutsman.

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 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representatives Pryor and Porter:

A CONCURRENT RESOLUTION congratulating the Cardinal Ritter High School Raiders for winning the 2013-14 Class 2A State Football Championship.

*Whereas, The Cardinal Ritter High School Raiders won the state title with an impressive 56-6 win over Tipton High School;*

*Whereas, The Raiders were led to victory under the guidance of Head Coach Ty Hunt, Assistant Head Coach Vince Purichia, and Assistant Coaches Paul Douglass, Steve Steinacker, Spencer King, Tyrone Chandler, Randy DeGolyer, Jason Sims, William McClain, Austin Crapo, and Joe Pfennig;*

*Whereas, Seniors on the Raiders' roster include Rsom Abraha, Ell Arnold, Logan Beaman, Josh Diagostino, Allen Dininger, Dylan Faulkenberg, Daniel Fesenmeier, Reggie Gayden, Jake Hagan, Kyree Hollis, Patrick Magee, Leo Metallic, Nathan Meyer, Kaelin Nichols, Jake Purichia, and Jack Steinacker;*

*Whereas, Juniors on the Raiders' roster include Kylin Bass, Ethan Briggeman, Jeffrey Cmehil, Nick Conklin, Andre Guy, Ian Johnson, Austin Kane, James Magee, Frank Roselli, Grant Schrack, Collin Sweeney, Lance Unland, Christian Vela, and Tommy Waites;*

*Whereas, Sophomores on the Raiders' roster include Noah Albrecht, Luke Armbruster, Jack Brown, Brian Dade, Alex Downard, Joseph Everett, James Johnson, Patrick Kaiser, Max Kirk, Nick Leverenz, Josh Majors, Brendan McCoy, Griffen Miller, Chris Navarrete, Dustyn Ogle, Wesley Ricketts, Xavier Russell, Nick Wilson, and Quentin Yockey;*

*Whereas, Freshmen on the Raiders' roster include Sam Adams, Santiago Albarran, Trevor Browder, Anthony Dumes, Fred Durham, Max Egenolf, Lance Ellington, Matt Gangwer, Courtney Harris, Alex Hornaday, Eli Johnson, Kevin Johnson, Daniel McDonald, Liam Nowlin, Will Shriner, Ben Szeszycki, Stephen Timmons, and Zach Yetter;*

*Whereas, The Raiders' finished their regular season with a 13-2 total;*

*Whereas, In the first quarter, the Raiders raced to a 21-0 lead over Tipton;*

*Whereas, Raiders offensive and defensive lineman Daniel Fesenmeier earned the 2A Mental Attitude award;*

*Whereas, Receiver/defensive back Kyree Hollis scored three touchdowns and caught his tenth interception of the season;*

*Whereas, Tommy Waites scored on an 89-yard kickoff return;*

*Whereas, Logan Beaman led the Raiders' rushing attack with 95 yards on 13 carries, including a touchdown run; and*

*Whereas, In the post-season, Quarterback Jake Purichia surpassed a 12 year record for the most career touchdown passes with a total of 2,854 passing yards: Therefore,*

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

SECTION 1. The Indiana General Assembly congratulates the Cardinal Ritter High School football team for winning the 2013-14 Class 2A State Football Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of the resolution to the coaches and players.

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 30

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representative Neese:

A CONCURRENT RESOLUTION congratulating The Elkhart Truth on the occasion of its quasiquicentennial anniversary.

*Whereas, The Elkhart Truth first began publication in October of 1889, making it one of the oldest newspapers in Indiana;*

*Whereas, The inception of The Elkhart Truth predates such venerable newspapers as The Denver Post, the Houston Chronicle, and The Indianapolis Star;*

*Whereas, The Elkhart Truth takes seriously its responsibility to hold those in power accountable, to speak on behalf of those who otherwise have no voice, and to inform, educate, and serve the community;*

*Whereas, As part of the celebration of The Elkhart Truth's quasiquicentennial anniversary, the newspaper will republish historic Elkhart Truth front pages in a year-long series; and*

*Whereas, The Elkhart Truth will culminate its celebration of 125 years of publication on October 15, 2014, with a special event in downtown Elkhart: 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 congratulates The Elkhart Truth on the occasion of its quasiquicentennial anniversary, and wishes The Elkhart Truth many more years of continued success.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Brandon Erlacher, Publisher, and John F. Dille.

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 31

The Speaker handed down Senate Concurrent Resolution 31, sponsored by Representative McNamara:

A CONCURRENT RESOLUTION recognizing and honoring the Town of New Harmony, Indiana, on the occasion of its bicentennial anniversary.

*Whereas, New Harmony, Indiana was founded in 1814 by a group of separatist German Lutherans from Harmony, Pennsylvania;*

*Whereas, Over the past 200 years, the town has preserved the spirit and appearance of its unique origins;*

*Whereas, New Harmony has remained an oasis of artistic endeavor and small town comfort;*

*Whereas, New Harmony has attracted new visitors and spurred economic growth in our state; and*

*Whereas, In this year of 2014, New Harmony will celebrate its bicentennial anniversary: 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 General Assembly recognizes and honors the Town of New Harmony, Indiana, on the occasion of its bicentennial anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Town of New Harmony, the New Harmony Town Hall, Historic New Harmony, the University of Southern Indiana Archives, the Working Men's Institute, and New Harmony State Historic Site.

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.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 340

Representative Koch called down Engrossed Senate Bill 340 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 340-10)

Mr. Speaker: I move that Engrossed Senate Bill 340 be amended to read as follows:

Page 1, line 2, delete "JULY" and insert "UPON PASSAGE]:".

Page 1, line 3, delete "1, 2014]:".

Page 1, line 5, delete "public utilities;" and insert "**electricity suppliers;**".

Page 1, line 6, delete "a public utility." and insert "**an electricity supplier.**".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

**"(b) For purposes of this section, "electricity supplier" has the meaning set forth in IC 8-1-2.3-2(b)."**

Page 1, line 9, delete "(b)" and insert "(c)".

Page 1, line 11, delete "a public utility" and insert "**an electricity supplier**".

Page 1, after line 16, begin a new paragraph and insert:

**"(d) For purposes of this section, "energy efficiency program costs" include:**

**(1) program costs;**

**(2) lost revenues; and**

**(3) incentives approved by the commission."**

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

Page 2, line 3, delete "a public utility." and insert "**an electricity supplier.**".

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

Page 2, line 6, delete "a public utility" and insert "**an electricity supplier**".

Page 2, line 7, delete "public utility." and insert "**electricity supplier.**".

Page 2, line 9, delete "(e), a public utility" and insert "**(g), an electricity supplier**".

Page 2, line 12, delete "For purposes".

Page 2, delete lines 13 through 16.

Page 2, run in lines 12 through 17.

Page 2, line 19, after "incurred" insert "**, or related to investments made,**".

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

Page 2, line 31, delete "(d)," and insert "**(f),**".

Page 2, line 33, delete "(f)" and insert "**(h)**".

Page 2, line 36, delete "(d)." and insert "**(f).**".

Page 2, line 37, delete "(g)" and insert "**(i)**".

Page 2, line 40, delete "public utilities" and insert "**electricity suppliers**".

Page 2, line 42, delete "(h)" and insert "**(j)**".

Page 3, delete lines 26 through 29, begin a new line block indented and insert:

**"(8) Methods by which the cost effectiveness and long term resource value of energy efficiency programs may be measured to assess the effect on rates and charges for all customers.**

**(9) Methods by which the interests of customers and electricity suppliers may be better aligned."**

Page 3, line 30, delete "(9)" and insert "**(10)**".

Page 3, after line 32, begin a new paragraph and insert:

**"(k) The commission may not:**

**(1) extend, renew, or require the establishment of an energy efficiency program under; or**

**(2) after December 31, 2014, require an electricity supplier to meet a goal or target established in;**

**the DSM order issued by the commission on December 9, 2009. An electricity supplier may not renew or extend an existing contract or enter into a new contract with a statewide third party administrator for an energy efficiency program established or approved by the DSM order issued by the commission on December 9, 2009.**

**(l) After December 31, 2014, an electricity supplier may continue to timely recover energy efficiency program costs that:**

**(1) accrued or were incurred under or relate to an energy efficiency program implemented under the DSM order issued by the commission on December 9, 2009; and**

**(2) are approved by the commission for recovery.**

**(m) After December 31, 2014, an electricity supplier may offer a cost effective portfolio of energy efficiency programs to customers. An electricity supplier may submit a proposed energy efficiency program to the commission for review. If an electricity supplier submits a proposed energy efficiency program for review and the commission determines that the portfolio included in the proposed energy efficiency program is reasonable and cost effective, the electricity supplier may recover energy efficiency program costs in the same manner as energy efficiency program costs were recoverable under the DSM order issued by the commission on December 9, 2009. The commission may not:**

**(1) require an energy efficiency program to be implemented by a third party administrator; or**

**(2) in making its determination, consider whether a third party administrator implements the energy efficiency program.**

**(n) This section does not affect:**

**(1) an energy efficiency program offered by an energy utility (as defined in IC 8-1-2.5-2) that is not an electricity supplier; or**

**(2) the manner in or means by which an energy utility described in subdivision (1) may recover costs associated with an energy efficiency program described in subdivision (1).**

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 340 as printed February 14, 2014.)

VANNATTER

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 269: yeas 66, nays 30. Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 375

Representative Heuer called down Engrossed Senate Bill 375 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 375-2)

Mr. Speaker: I move that Engrossed Senate Bill 375 be amended to read as follows:

Page 21, line 18, delete "investor funds will be deposited," and insert "issuer will deposit the investor funds or cause the investor funds to be deposited. The bank, savings bank, savings and loan association, or credit union in which the investor funds are deposited is only responsible to act at the direction of the issuer and does not have any duty, contractual or otherwise, to any investor or other person."

Page 21, delete lines 19 through 26.

Page 25, line 42, delete "subdivision" and insert "item".

Page 26, line 22, delete "only to" and insert "to only".

Page 26, between lines 23 and 24, begin a new line triple block indented and insert:

**"(viii) The Internet web site operator shall not hold, manage, possess, or handle investor funds or securities.**

**(ix) The Internet web site operator may not be an investor in any Indiana offering under this subdivision or subdivision (26)."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 375 as printed February 21, 2014.)

HEUER

Motion prevailed.

HOUSE MOTION  
(Amendment 375-4)

Mr. Speaker: I move that Engrossed Senate Bill 375 be amended to read as follows:

Page 20, line 41, delete "ten" and insert "five".

Page 20, line 42, delete "\$10,000" and insert "\$5,000".

(Reference is to ESB 375 as printed February 21, 2014.)

DELANEY

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 3**

Representative Steuerwald called down Engrossed Senate Bill 3 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 270: yeas 91, nays 4. 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 27**

Representative Richardson called down Engrossed Senate Bill 27 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 271: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 32**

Representative McNamara called down Engrossed Senate Bill 32 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 272: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 53**

Representative Culver called down Engrossed Senate Bill 53 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?

Representative Forestal was excused from voting, pursuant to House Rule 47. Roll Call 273: yeas 76, nays 19. 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 106**

Representative Negele called down Engrossed Senate Bill 106 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 274: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 185**

Representative Ober called down Engrossed Senate Bill 185 for third reading:

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

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

Roll Call 275: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 223**

Representative Steuerwald called down Engrossed Senate Bill 223 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 276: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 238**

Representative Frye called down Engrossed Senate Bill 238 for third reading:

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

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

Roll Call 277: yeas 82, nays 13. 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 255**

Representative Clere called down Engrossed Senate Bill 255 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 278: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 262**

Representative Clere called down Engrossed Senate Bill 262 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 279: yeas 92, nays 5. 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 266**

Representative Ober called down Engrossed Senate Bill 266 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 280: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 334**

Representative Burton called down Engrossed Senate Bill 334 for third reading:

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

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

Representative Mahan was excused from voting, pursuant to House Rule 47. Roll Call 281: 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 339**

Representative Torr called down Engrossed Senate Bill 339 for third reading:

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

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

Roll Call 282: yeas 75, nays 20. 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 350**

Representative Soliday called down Engrossed Senate Bill 350 for third reading:

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

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

Roll Call 283: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 359**

Representative Lehe called down Engrossed Senate Bill 359 for third reading:

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

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

Roll Call 284: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Porter was excused.

#### **Engrossed Senate Bill 385**

Representative Richardson called down Engrossed Senate Bill 385 for third reading:

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

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

Roll Call 285: yeas 66, nays 29. 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 396**

Representative Koch called down Engrossed Senate Bill 396 for third reading:

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

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

Roll Call 286: yeas 91, nays 4. 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 405**

Representative VanNatter called down Engrossed Senate Bill 405 for third reading:

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

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

Roll Call 287: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RICHARDSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Mayfield be added as cosponsor of Engrossed Senate Bill 292.

WASHBURNE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Sullivan be added as cosponsors of Engrossed Senate Bill 343.

COX

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as cosponsor of Engrossed Senate Bill 422.

CLERE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be removed as first sponsor and Representative Koch be substituted therefor and Representatives Hamm, Frye, Bacon and C. Brown be added as cosponsors of Engrossed Senate Bill 4.

BACON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Harris be added as coauthor of House Concurrent Resolution 31.

FRIZZELL

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be added as coauthor of House Concurrent Resolution 36.

BOSMA

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor House Concurrent Resolution 42.

GOODIN

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 Resolution 36 and the same is 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 10, 31 and 32 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

**RESOLUTIONS ELIGIBLE FOR ADOPTION****House Concurrent Resolution 23**

The Speaker handed down on its passage House Concurrent Resolution 23, introduced by Representatives Stemler and Soliday:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename a part of U.S. Highway 31 between Main Street and East Street in the city of Austin as "Berley Goodin Way".

The resolution was read a second time and adopted. Roll Call 288: yeas 91, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

**House Concurrent Resolution 26**

The Speaker handed down on its passage House Concurrent Resolution 26, introduced by Representative Messmer:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename two bridges over U.S. Highway 50 in Daviess County after David Graham and James Newland.

The resolution was read a second time and adopted. Roll Call 289: yeas 90, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Becker.

**House Concurrent Resolution 31**

The Speaker handed down on its passage House Concurrent Resolution 31, introduced by Representative Frizzell:

A CONCURRENT RESOLUTION supporting Taiwan's efforts to secure entry to the Trans-Pacific Partnership (TPP) and the signing of a Free Trade Agreement (FTA) and Bilateral Investment Agreement (BIA) with the United States and reaffirming support for increasing Taiwan's international profile and for strengthening and expanding sister-state ties between Indiana and Taiwan.

The resolution was read a second time and adopted. Roll Call 290: 90 yeas, 0 nays. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waltz.

**Senate Concurrent Resolution 4**

The Speaker handed down on its passage Senate Concurrent Resolution 4, sponsored by Representative Bacon:

A CONCURRENT RESOLUTION commending the Indiana Department of Transportation on the management practices of the innovation Hoosier Roadside Heritage Program.

The resolution was read a second time and adopted. Roll Call 291: yeas 92, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

## HOUSE MOTION

Mr. Speaker: I move that Representative Kubacki be added as cosponsor of Engrossed Senate Bill 27.



**February 25, 2014**

**House 419**

On the motion of Representative Moed, the House adjourned at 4:25 p.m., this twenty-fifth day of February, 2014, until Wednesday, February 26, 2014, at 10:00 a.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives