



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Twenty-second Day

Monday Afternoon

February 22, 2016

The invocation was offered by Woody Church of Stones Crossing Church in Greenwood, a guest of Representative David N. Frizzell.

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 David L. Ober.

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

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

Torr	Wolkins
Truitt	Wright
VanNatter	Zent
Washburne	Ziemke
Wesco	Mr. Speaker

Roll Call 197: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 23, 2016, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 44

Representative Huston introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION congratulating the Fishers High School "We the People" team.

Whereas, On December 14, 2015, the 2015-2016 Fishers High School team won the "We the People" state championship;

Whereas, The Fishers High School team will represent its community and state in the "We the People" high school National Finals on April 22-25, 2016;

Whereas, Special recognition should be given to the assistants and volunteers who helped make this victory possible: Unit 1 - Robert Dyson, Jr. and Dr. Chris Edwards; Unit 2 - Mike Fassold; Unit 3 - Judge Dan Henke; Unit 4 - Geoff Tease; Unit 5 - Taylor Schueth; Unit 6 - Meghan McCann;

Whereas, The support of Principal Jason Urban, Superintendent Dr. Allen Bourff, the Hamilton Southeastern School Board, Mayor Scott Fadness, and the Fishers City Council helped to strengthen the team's resolve to successfully complete the competition;

Whereas, Hard work and dedication by team members and coach Liz Paternoster helped the Fishers High School team become repeat state champions;

Whereas, The "We the People" program was developed by the Center for Civic Education and is funded by the U.S. Department of Education under an act of Congress, with the goal of promoting civic responsibility and competence in students;

Whereas, Students in grades 4-12 participate in the program; and

Whereas, Involvement with the "We the People" competition allows students to develop a greater understanding of democratic principles and prepares Indiana youth for a future

that will encourage their knowledge of and participation in our democratic system of government. Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Fishers High School "We the People" team and wishes its team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Noah L. Alderton, Zaid Ansari, Alexander D. Brown, Zachary R. Brown, Morgan S. Carrithers, Caleb A. Conlisk, Rachel H. Desmarais, Gabriel D. Donnelly, Kendall M. Gardner, Emma A. Getz, Mara K. Gordon, Daniel A. Greiwe, Adam J. Herke, Marlene K. Jacocks, Andrew H. Landeen, Kellie S. McCann, Tia M. McElmurry, Lauren K. Meadows, Hannah S. Norton, Ethan A. Smith, Chloe A. Snipes, Daniel J. Stevens, Julian K. Strobel, Tristan X. Strobel, Xiaobin Tan, Alexander S. Todd; coach Liz Paternoster; Principal Jason Urban; Superintendent Dr. Allen Bourff; the Hamilton Southeastern School Board; Mayor Scott Fadness; and the Fishers City Council.

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

House Concurrent Resolution 45

Representatives McNamara, Bacon, Sullivan and Washburne introduced House Concurrent Resolution 45:

A CONCURRENT RESOLUTION congratulating the North High School girls golf team.

Whereas, The North High School girls golf team is the 2015 state champion;

Whereas, The Lady Huskies have been undefeated for two years in a row and are now back-to-back state champions;

Whereas, The Lady Huskies were led by sophomore Hadley Walts, who finished tied for second overall at 151 (79-72); Emma Kieffer, the team's only senior, finished fourth overall at 153 (76-77); junior Katelyn Le ended at 168 (82-86); and junior Brittany Skinner finished with 179 (95-84);

Whereas, Hannah Davis and Katelyn Skinner split rounds the last two days and shot 95 and 98, respectively, for the Lady Huskies;

Whereas, The girls have made school history by becoming the only back-to-back team state champions at North High School and the only girls team to be back-to-back state champions in the Evansville-Vanderburgh School Corporation;

Whereas, The North High School girls golf team was the number-one ranked team in Indiana for the entire golf season and amassed a record of 145 wins and no losses;

Whereas, In addition to the state championship title, the Lady Huskies were the Indiana High School Athletic Association (IHSAA) Sectional Champions for the fourth year in a row with a 292, the second lowest score in girls golf IHSAA Sectional history, were IHSAA Regional Champion the second year in a row, and winners of the 43rd Annual IHSAA Girls Golf State Tournament at Prairie View Golf Club;

Whereas, Under the guidance of coach Ken Wempe, the Lady Huskies have accomplished many goals and learned many valuable life lessons; and

Whereas, Special accomplishments such as this deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the North High School girls golf team on its state championship victory and wishes the team continued success in all its future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the golf team, coach Ken Wempe, principal John Skinner, and superintendent Dr. David Smith.

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 Tomes.

House Resolution 28

Representatives Shackelford, DeLaney, Davisson, Moed, Klinker, Porter, Bartlett, Harris, Bauer, Errington, V. Smith, Forestal, Torr, Truitt, Stemler, Kirchhofer, Bosma, Lehe, Lehman, Rhoads, Pryor, T. Brown, Cherry, Thompson and Pelath introduced House Resolution 28:

A HOUSE RESOLUTION honoring the National Association of Women Business Owners of Indianapolis.

Whereas, In 2008, there were more than 10 million women owned businesses, employing more than 13 million people, and generating \$1.9 trillion in sales;

Whereas, The National Association of Women Business Owners (NAWBO) of Indianapolis has played an intricate role in impacting, influencing, and propelling Indiana into a leading state for women owned businesses;

Whereas, The National Association of Women Business Owners steers women entrepreneurs into economic, social, and political spheres of power worldwide, strengthening the wealth creating capacity of its members and promoting economic development within the entrepreneurial community;

Whereas, The National Association of Women Business Owners of Indianapolis creates innovative and effective changes in business culture, builds strategic alliances, coalitions, and affiliations, transforms public policy, and influences opinion makers; and

Whereas, The National Association of Women Business Owners of Indianapolis is the unified voice of America's women owned businesses and represents the fastest growing segment of the market: 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 National Association of Women Business Owners of Indianapolis as not only an economic generator but a community builder, and applauds the organization's accomplishments on behalf of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Tammy Butler Robinson.

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

Senate Concurrent Resolution 30

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representative Lehe:

A CONCURRENT RESOLUTION recognizing FFA and all of its work to advance the quality of agricultural education both locally and nationally.

Whereas, The FFA National organization, established in 1928, and Indiana FFA, established in 1929, have prepared future generations for the challenges of feeding a growing population;

Whereas, National FFA encompasses 50 states and two U.S. territories, representing 629,327 members and 7,757 local chapters, and Indiana FFA has more than 11,500 members and 204 chapters;

Whereas, The FFA motto of "Learning to Do, Doing to Learn, Earning to Live, Living to Serve" has been upheld and applied by the organization by focusing on the individual student and providing a path to achievement in premier leadership, personal growth, and career success through agricultural education;

Whereas, The organization's directive is to develop agricultural leaders, increase awareness of the importance of agriculture, strengthen the confidence of the students involved, promote the choice of agriculture as a career, encourage agricultural experience programs, highlight wise management of community resources, develop member's interpersonal skills and character, promote cooperation and healthy lifestyles, and encourage excellence in scholarship; and

Whereas, FFA Week started as an annual celebration in 1947 as an opportunity for members, alumni and sponsors to advocate for agricultural education and the organization; and will be celebrated this year February 21-28: 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 recognizes FFA as an integral part of agricultural education both locally and nationally.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Indiana FFA State Officers Kenzie Kretzmeier, Brett Roberts, Mason Gordan, Annalee Witte, Sean Harrington, Courtney Adams, Josh Calhoun, as well as State Staff Joe Martin, Rob Hays, and Tamara Neighbors.

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 44

The Speaker handed down Senate Concurrent Resolution 44, sponsored by Representatives Shackelford and Summers:

A CONCURRENT RESOLUTION to honor the recipients of the POWER higher education scholarships.

Whereas, the Political Organization for Women's Education and Representation (POWER) was started in 1993 for female members of the General Assembly to come together to discuss matters that affect them and other women throughout Indiana, supporting legislation that furthers their cause;

Whereas, POWER's mission statement is to serve as a forum for discussion of legislative measures introduced in the Indiana General Assembly by having a major forum primarily for women legislators interested in improving the quality of life for women and all citizens of Indiana;

Whereas, POWER awards scholarships to non-traditional female students who are more likely to put their educational goals on hold because of life's obligations;

Whereas, POWER scholarships are awarded to all nine congressional districts giving women all over the state the opportunity to apply and continue in their education; and

Whereas, in 2016 POWER awarded 20 scholarships to deserving and hard working women from around the state, the recipients are: Rena Tolbert, Kristin Wesse, Janice Nichols, Jessica Fry, Anita Schafer, Evelyn Hefley, Ktaykupaw Zarni-Htoo, Elizabeth Sabelhaus, Mecca Andrews-Hill, Cindy Johnson, Sharon Hoffman, Angie Lyon, Laci Borgman, Patricia Hudson, Bayyinah Batts, Tatijana Byrd, Kerseclia Patterson, Sarah Slover, Jessica Troxel, and, Bridget Badder: 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 all 20 scholarship recipients for their hard work and efforts in continuing their education.

SECTION 2. The Secretary of the Senate is hereby directed to transmit 25 copies of this resolution to the recipients and Senator Jean Breaux, President of POWER.

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.

House Concurrent Resolution 46

Representative Ellington introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that part of U.S. Highway 231 from Interstate Highway 69 to the city of Bloomfield the "Donald W. Dean Memorial Highway".

Whereas, Born on April 1, 1922, former Representative Donald Dean died on April 3, 2007;

Whereas, The son of Frank C. and Betty Jeanette (Wines) Dean, Donald Dean graduated from Bloomfield High School in 1940;

Whereas, After graduation, Donald Dean enlisted in the Army and served for four years, six months, and 26 days as a technical sergeant in Tunisia, Sicily, and Italy during World War II serving under General George Patton and General Mark Clark;

Whereas, After earning six medal stars for dedicated service to his country, Donald Dean returned to Bloomfield and married Betty Jo Hasler, and together they had daughter Nancy and son David;

Whereas, Donald Dean was elected to the Indiana House of Representatives in 1978 where he served for 12 years;

Whereas, While in the General Assembly, Donald Dean served on the Public Policy Committee, the Roads and Transportation Committee, the County and Townships Committee, and the Natural Resources Committee and was chairman of the Veterans Affairs Committee;

Whereas, Donald Dean was instrumental in passing the Grandparents' Visitation Law, initiated the move to red and blue lights on all police cars, secured money for erecting the Veterans Bridge over the White River, assisted in expanding State Road 37 to four lanes from Bedford to south of Mitchell, and oversaw the creation of the Circuit and Superior Courts in Greene County;

Whereas, In addition to his duties with the Indiana House of Representatives, Donald Dean was active in the Greene County Republican Party for many years and was a member of the Bloomfield First Baptist Church, Bloomfield American Legion Post 196, the Disabled American Veterans, the Bloomfield Masonic Lodge F&AM 84, the Scottish Rite and Zorah Temple of Terre Haute, Linton Elks, and Greene County Shrine, and

was a 50-year member of the Bloomfield Lions Club;

Whereas, Donald Dean was a patriotic and civic minded man who loved and served his country with great pride; and

Whereas, It is, therefore, fitting and proper that special recognition be given to former Representative Donald Dean for his many accomplishments and loyal service to his constituents and the state of Indiana: 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 urges the Indiana Department of Transportation to rename that part of U.S. Highway 231 from Interstate Highway 69 to the city of Bloomfield the "Donald W. Dean Memorial Highway".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of former Representative Donald W. Dean 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.

House Concurrent Resolution 47

Representative Ellington introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION urging the commissioner of the Indiana Department of Transportation to rename the bridge on State Road 57 spanning the White River in the city of Newberry as the "Lieutenant Colonel Dured E. Townsend Memorial Bridge".

Whereas, Lieutenant Colonel Dured E. Townsend received the Distinguished Service Cross for extraordinary heroism in connection with military operations during World War II while serving as commanding officer of an infantry battalion of the 86th Mountain Infantry Regiment, 10th Mountain Division;

Whereas, Lieutenant Colonel Townsend led his battalion through mines and under enemy fire, with complete disregard for his own safety;

Whereas, Born and raised in Newberry, Lieutenant Colonel Townsend first enlisted in the United States Army when he was 16 years old;

Whereas, At 18, Lieutenant Colonel Townsend returned to Newberry where he received his GED and reenlisted, becoming the highest noncommissioned officer in the United States; and

Whereas, Lieutenant Colonel Townsend was an inspiration to all who knew him and deserves special recognition for his bravery in the line of fire: 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 urges the commissioner of the Indiana Department of Transportation to rename the bridge on State Road 57 across the White River in the city of Newberry as the "Lieutenant Colonel Dured E. Townsend Memorial Bridge".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Lieutenant Colonel Dured E. Townsend 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 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representatives DeVon, Wesco, Bauer, Niezgodski and Dvorak:

A CONCURRENT RESOLUTION congratulating Steve Hope, Principal of Penn High School, for being named the 2015 State High School Principal of the Year.

Whereas, On November 22, 2015, the Indiana Association of High School Principals named Steve Hope, Principal of Penn High School in Mishawaka, Indiana, as the 2015 State High School Principal of the Year;

Whereas, In the Spring of 2015, Hope had been recognized as District 2 High School Principal of the Year, but at the 2015 Principals of the Year Recognition Celebration, Hope was also awarded the highest honor;

Whereas, Throughout Hope's nearly eight years as Principal of Penn High School, the school's graduation rate has increased from 79% in 2008 to 97% in 2014; the Indiana Department of Education has named Penn an A-rated school; and Hope has transitioned the large high school of 3,500 students into a small learning community structure made up of seven schools, each of which supports college and career readiness while providing specialty education based on students' academic and professional interests;

Whereas, Penn High School has also partnered with Ivy Tech Community College under Hope's leadership to develop an Early College Academy, which offers students the opportunity to begin working on college requirements while simultaneously fulfilling courses for graduation at Penn High School;

Whereas, Hope has focused on the professional development of others throughout his tenure as well, serving as a mentor to Penn High School's teachers and staff;

Whereas, Prior to being named Principal, Hope served as an art teacher at the school in 1996, was named Dean of Students in 1998, Director of Counseling in 2001, Assistant Principal in 2003, Associate Principal in 2005, and Principal of Penn High School in 2008;

Whereas, Hope obtained his Bachelor of Arts from Western Michigan University, his Master of Science in Secondary Education and Educational Leadership from Indiana University South Bend, and Hope will receive his Doctorate in Education Leadership from Purdue University in May 2017; and

Whereas, Hope is married to his loving wife Becky, with whom he has three daughters, Mairede, Cecilla, and Savannah: 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 Steve Hope, Principal of Penn High School, for being named the 2015 State High School Principal of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Principal Steve Hope.

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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 23, 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 state and local administration.

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

"SECTION 1. IC 4-35-7-12, AS AMENDED BY P.L.181-2015, SECTION 6, AND AS AMENDED BY P.L.213-2015, SECTION 52, AND AS AMENDED BY P.L.255-2015, SECTION 40, AND AS AMENDED BY P.L.256-2015, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

(1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.

(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, and before July 1, 2015.

(3) Subject to section 12.5 of this chapter, the percentage of the adjusted gross receipts of the ~~slot machine~~ gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:

(A) ~~Sixty~~ Fifty-five percent (~~60%~~) (55%) for the following purposes:

(I) Ninety-seven percent (97%) for thoroughbred purses.

(ii) Two and four-tenths percent (2.4%) to the

horsemen's association representing thoroughbred owners and trainers.

(iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) ~~Forty~~ Forty-five percent (~~40%~~) (45%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.

(2) Forty-six percent (46%) for standardbred purposes as follows:

(A) Three hundred seventy-five thousand dollars (\$375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.

(B) One hundred twenty-five thousand dollars (\$125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs and the department of parks and recreation in Johnson County to support standardbred racing and facilities at county fair and county park tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, and the Indiana county fair association, and a member of the board of directors of a county park established under IC 36-10 that provides or intends to provide facilities to support standardbred racing, to make recommendations to the state fair commission on grants under this clause. A grant may be provided to the Johnson County fair or department of parks and recreation under this clause only if the county fair or department provides matching funds equal to one dollar (\$1) for every three dollars (\$3) of grant funds provided.

(3) Eight percent (8%) for quarter horse purposes as follows:

(A) Seventy percent (70%) for the following purposes:

(I) Ninety-five percent (95%) for quarter horse purses.

(ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.

(B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

(1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.

(2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.

(3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the

use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall ~~annually~~ audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

(l) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

- (1) issue a warning to the licensee;
- (2) impose a civil penalty that may not exceed one million dollars (\$1,000,000); or
- (3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund."

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 4. IC 6-3-1-3.5, AS AMENDED BY P.L.250-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

- (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and
- (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(7) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(8) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(9) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), and (5) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(10) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(11) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(12) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(13) Subtract an amount equal to the lesser of:

- (A) two thousand five hundred dollars (\$2,500); or
- (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(14) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(16) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(18) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal

Revenue Code for federal income tax purposes.

(19) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.

(20) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.

(21) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(22) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities

for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(13) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in

an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 832(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section

179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(11) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(12) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted

gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(I) of the Internal Revenue Code.

(9) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011."

Renumber all SECTIONS consecutively.

(Reference is to SB 23 as printed January 13, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 1.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 80, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "JULY" and insert "JUNE".

Page 1, line 4, strike "promulgate" and insert "adopt".

Page 1, line 4, strike "and regulations".

Page 4, line 6, delete ", consistent with IC 35-48-4-14.7:" and insert "**adopt rules under IC 4-22-2, or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016, concerning:**

(1) professional determinations made under IC 35-48-4-14.7(d); and

(2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board shall:

(1) review professional determinations made by a pharmacist; and

(2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made;

under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine."

Page 4, delete lines 7 through 14.

Page 4, line 18, reset in roman "or NPLEx retailer".

Page 4, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 3. IC 35-48-4-14.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2016]: **Sec. 14.3. (a) The board may adopt:**

(1) a rule under IC 4-22-2; or

(2) an emergency rule in the manner provided under IC 4-22-2-37.1;

to declare that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.

(b) The board, in consultation with the state police, shall find that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine if the board determines that the product does not pose a significant risk of being used in the manufacture of methamphetamine.

SECTION 4. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.7. (a) This section does not apply to the following:**

(1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription. **Nothing in this section prohibits a person who is denied the sale of a nonprescription product containing pseudoephedrine or ephedrine from obtaining pseudoephedrine or ephedrine pursuant to a prescription.**

(2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (g).

(3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (g).

(b) The following definitions apply throughout this section:

(1) "Constant video monitoring" means the surveillance by an automated camera that:

(A) records at least one (1) photograph or digital image every ten (10) seconds;

(B) retains a photograph or digital image for at least seventy-two (72) hours;

(C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pharmacy or NPLEx retailer" means:

(A) a pharmacy, as defined in IC 25-26-13-2;

(B) a retailer containing a pharmacy, as defined in IC 25-26-13-2; or

(C) a retailer that electronically submits the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI).

(5) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(6) "Retailer" means a grocery store, general merchandise

store, or other similar establishment. The term does not include a pharmacy or NPLEx retailer.

(7) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(8) "Unusual theft" means the theft or unexplained disappearance from a particular pharmacy or NPLEx retailer of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) A drug containing ephedrine or pseudoephedrine may be sold only by a pharmacy or NPLEx retailer. **Except as provided in subsection (f), a retailer may not sell a drug containing ephedrine or pseudoephedrine.**

(d) A pharmacy or NPLEx retailer may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the pharmacy or NPLEx retailer complies with the following conditions:

(1) The pharmacy or NPLEx retailer does not sell the drug to a person less than eighteen (18) years of age.

(2) The pharmacy or NPLEx retailer does not sell drugs containing more than:

(A) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, to one (1) individual on one (1) day;

(B) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a thirty (30) day period; or

(C) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, to one (1) individual in a three hundred sixty-five (365) day period.

(3) Except as provided in subsection (f), before the sale occurs the pharmacist or the pharmacy technician (as defined by IC 25-26-19-2) has determined that the purchaser has a relationship on record with the pharmacy, in compliance with rules adopted by the board under IC 25-26-13-4. If it has been determined that the purchaser does not have a relationship on record with the pharmacy, the pharmacist shall make a professional determination as to whether there is a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine before selling ephedrine or pseudoephedrine to an individual. The pharmacist's professional determination must comply with the rules adopted under IC 25-26-13-4 and may include the following:

(A) Prior medication filling history of the individual.

(B) Consulting with the individual.

(C) Other tools that provide professional reassurance to the pharmacist that a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine exists.

A pharmacist who in good faith does not sell ephedrine or pseudoephedrine to an individual under this subdivision is immune from civil liability unless the refusal to sell constitutes gross negligence or intentional, wanton, or willful misconduct.

~~(3)~~ **(4)** The pharmacy or NPLEx retailer requires:

(A) the purchaser to produce a valid government issued photo identification card showing the date of birth of the person;

(B) the purchaser to sign a written or electronic log attesting to the validity of the information; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. A law enforcement officer has the right to inspect and copy a log or the records from the completion of a log in accordance with state and federal law. A pharmacy or NPLEx retailer may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes. A pharmacy or NPLEx retailer that in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

~~(4)~~ **(5)** The pharmacy or NPLEx retailer maintains a record of information for each sale of a nonprescription product containing pseudoephedrine or ephedrine. Required information includes:

(A) the name and address of each purchaser;

(B) the type of identification presented;

(C) the governmental entity that issued the identification;

(D) the identification number; and

(E) the ephedrine or pseudoephedrine product purchased, including the number of grams the product contains and the date and time of the transaction.

~~(5) Beginning January 1, 2012;~~ **(6)** A pharmacy or NPLEx retailer shall, except as provided in subdivision ~~(6)~~; **(7)**, before completing a sale of an over-the-counter product containing pseudoephedrine or ephedrine, electronically submit the required information to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI), if the NPLEx system is available to pharmacies or NPLEx retailers in the state without a charge for accessing the system. The pharmacy or NPLEx retailer may not complete the sale if the system generates a stop sale alert.

~~(6)~~ **(7)** If a pharmacy or NPLEx retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLEx retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the pharmacy or NPLEx retailer is able to comply with the electronic sales tracking requirement.

~~(7)~~ **(8)** The pharmacy or NPLEx retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.

(e) A person may not purchase drugs containing more than:

(1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;

(2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or

(3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

(f) This subsection only applies to convenience packages. A retailer may sell convenience packages under this section without complying with the conditions listed in subsection (d):

(1) after June 30, 2013; and

(2) before January 1, 2014.

A retailer may not sell drugs containing more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction. A retailer who sells convenience packages must secure the convenience packages behind the counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee. A retailer may not sell a drug containing ephedrine or pseudoephedrine after December 31, 2013.

(f) If a purchaser does not have a relationship on record with the pharmacy, as determined by rules adopted by the board under IC 25-26-13-4, or the pharmacist has made a professional determination that there is not a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine under subsection (d), the purchaser may, at the pharmacist's discretion, purchase only the following:

(1) A product that has been determined under section 14.3 of this chapter to be an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.

(2) A product that contains not more than:

(A) a total of seven hundred twenty (720) milligrams of ephedrine or pseudoephedrine per package; and

(B) thirty (30) milligrams of ephedrine or pseudoephedrine per tablet.

The pharmacist may not sell more than one (1) package of ephedrine or pseudoephedrine to a purchaser under this subdivision per day.

However, if the pharmacist believes that the ephedrine or pseudoephedrine purchase will be used to manufacture methamphetamine, the pharmacist may refuse to sell ephedrine or pseudoephedrine to the purchaser.

(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular pharmacy or NPLeX retailer behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(j) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(k) A pharmacy or NPLeX retailer that uses the electronic sales tracking system in accordance with this section is immune from civil liability for any act or omission committed in carrying out the duties required by this section, unless the act or omission was due to negligence, recklessness, or deliberate or wanton misconduct. A pharmacy or NPLeX retailer is immune from liability to a third party unless the pharmacy or NPLeX retailer has violated a provision of this section and the third party brings an action based on the pharmacy's or NPLeX retailer's violation

of this section.

(1) The following requirements apply to the NPLeX:

(1) Information contained in the NPLeX may be shared only with law enforcement officials.

(2) A law enforcement official may access Indiana transaction information maintained in the NPLeX for investigative purposes.

(3) NADDI may not modify sales transaction data that is shared with law enforcement officials.

(4) At least one (1) time per week, NADDI shall forward Indiana data contained in the NPLeX, including data concerning a transaction that could not be completed due to the issuance of a stop sale alert, to the state police department.

SECTION 5. IC 35-48-7-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.7. As used in this chapter, "controlled substance" has the meaning set forth in IC 35-48-1-9 and includes pure or adulterated ephedrine or pseudoephedrine.

SECTION 6. An emergency is declared for this act."

Delete pages 5 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 80 as reprinted February 3, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 93, 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, strike lines 30 through 32.

Page 7, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 9. IC 20-24-3-14, AS AMENDED BY P.L.280-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies to ~~university authorizers: state educational institutions described in IC 20-24-1-2.5(2).~~

(b) Except as provided in subsection (c), the ultimate responsibility for choosing to authorize a charter school and responsibilities for maintaining authorization rest with the university's board of trustees.

(c) The university's board of trustees may vote to assign authorization authority and authorization responsibilities to another person or entity that functions under the direction of the university's board. A decision made under this subsection shall be communicated in writing to the department and the charter school review panel.

(d) Before a university may authorize a charter school, the university must conduct a public meeting with public notice in the county where the charter school will be located.

SECTION 10. IC 20-24-3-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.1. (a) This section applies to nonprofit colleges and universities described in IC 20-24-1-2.5(5).

(b) Except as provided in subsection (c), the ultimate responsibility for choosing to authorize and for maintaining authorization rests with the nonprofit college's or university's board of trustees.

(c) Beginning January 1, 2017, the nonprofit college's or university's board of trustees shall assign authorization authority and authorization responsibilities to a separate legal entity that functions under the direction of the nonprofit college's or university's board. A decision made

under this subsection shall be communicated in writing to the department and the state board.

(d) An entity created under subsection (c) is subject to the requirements of IC 5-14-1.5 and IC 5-14-3. Creation of an entity under subsection (c) by a nonprofit college or university described in IC 20-24-1-2.5(5) does not subject the nonprofit college or university itself to the requirements of IC 5-14-1.5 and IC 5-14-3 unless otherwise required by law.

(e) Before an entity created under subsection (c) may authorize a charter school, the entity must conduct a public meeting with public notice in the county where the charter school will be located."

Page 7, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 1. IC 20-24-7-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. A charter school is considered a school corporation for purposes of any state or federal funding opportunities administered by the department or any other state agency that are otherwise available to a school corporation as described in IC 20-18-2-16(a).**"

Page 8, delete lines 1 through 11.

Page 8, line 12, delete "IC 20-26-5-37" and insert "IC 20-26-5-37.2".

Page 8, line 14, delete "37." and insert "**37.2.**".

Page 10, delete lines 3 through 12, begin a new paragraph and insert:

"SECTION 11. IC 20-26-11-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33. (a) Notwithstanding a policy adopted under section 32(a) of this chapter, a school corporation may accept a student who does not have legal settlement in the school corporation into an alternative education program (as defined in IC 20-30-8-1).**

(b) A school corporation that accepts students under subsection (a) of this chapter is not subject to the requirements set forth in section 32 of this chapter other than those requirements set forth in section 32(g), (h), (j), (k), and (l) of this chapter."

Page 13, line 11, delete "judgement" and insert "**judgment**".

Page 13, delete lines 20 through 42.

Delete page 14.

Page 15, delete lines 1 through 30.

Page 15, delete lines 38 through 42.

Delete page 16.

Page 17, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 22. IC 20-34-8-2, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among schools.

(2) An intramural athletic contest or competition that is sponsored by or associated with a school.

(3) Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.

SECTION 23. IC 21-18-13-3, AS ADDED BY P.L.139-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "athletic activity" includes the following:

(1) An athletic contest or competition conducted between or among postsecondary educational institutions.

(2) An intramural athletic contest or competition that is sponsored by or associated with a postsecondary educational institution.

(3) Competitive and noncompetitive cheerleading that

is sponsored by or associated with a postsecondary educational institution."

Page 18, delete lines 15 through 18.

Page 18, line 19, delete "(2)" and insert "**(1)**".

Page 18, line 24, delete "(3)" and insert "**(2)**".

Page 18, line 40, delete "(4)" and insert "**(3)**".

Page 19, delete lines 3 through 6.

Page 19, line 7, delete "(6)" and insert "**(4)**".

Page 19, between lines 9 and 10, begin a new line block indented and insert:

"(5) The extent that school corporation or school calendar influences the following:

(A) The development of Indiana's workforce through the impact on meaningful employment and internship opportunities for high school students.

(B) Access to dual credit courses offered to high school students through Indiana's institutions of higher learning.

(C) Access to professional development for teachers.

(D) Economic development opportunities and tax revenue impacts for state and local governments.

(E) Cost of operation of school corporations and schools.

(F) Access to supplemental meal programs for Indiana students during school breaks."

Renumber all SECTIONS consecutively.

(Reference is to SB 93 as reprinted February 2, 2016.)

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 Health, to which was referred Senate Bill 140, 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 140 as printed January 15, 2016.)

Committee Vote: Yeas 11, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 161, 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 17.

Page 2, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 33-23-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. "Drug related felony" has the meaning set forth in IC 35-48-1-16.3.**

SECTION 2. IC 33-23-1-9.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.7. "NPLEx" refers to the National Precursor Log Exchange.**

SECTION 3. IC 33-24-6-3, AS AMENDED BY P.L.284-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state court administration shall do the following:

(1) Examine the administrative and business methods and systems employed in the offices of the clerks of court and other offices related to and serving the courts and make recommendations for necessary improvement.

(2) Collect and compile statistical data and other

information on the judicial work of the courts in Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts, and any city or town courts, whether having general or special jurisdiction, court clerks, court reporters, and other officers and employees of the courts shall, upon notice by the executive director and in compliance with procedures prescribed by the executive director, furnish the executive director the information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
 - (B) The methods of procedure in the courts.
 - (C) The work accomplished by the courts.
 - (D) The receipt and expenditure of public money by and for the operation of the courts.
 - (E) The methods of disposition or termination of cases.
- (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).
- (4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.
- (5) Administer the civil legal aid fund as required by IC 33-24-12.
- (6) Administer the judicial technology and automation project fund established by section 12 of this chapter.
- (7) By December 31, 2013, develop and implement a standard protocol for sending and receiving court data:

- (A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;
 - (B) at the option of the county prosecuting attorney, for:
 - (i) a prosecuting attorney's case management system;
 - (ii) a county court case management system; and
 - (iii) a county court case management system developed and operated by the division of state court administration;
 to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and
 - (C) between county court case management systems and the case management system developed and operated by the division of state court administration.
- The standard protocol developed and implemented under this subdivision shall permit private sector vendors, including vendors providing service to a local system and vendors accessing the system for information, to send and receive court information on an equitable basis and at an equitable cost.

(8) Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.

(9) Establish and administer an electronic system for receiving drug related felony conviction information from courts. The division shall notify NPLeX of each drug related felony entered after June 30, 2012, and do the following:

- (A) Provide NPLeX with the following information:
 - (i) The convicted individual's full name.
 - (ii) The convicted individual's date of birth.
 - (iii) The convicted individual's driver's license number, state personal identification number, or other unique number, if available.
 - (iv) The date the individual was convicted of the

drug related felony.

Upon receipt of the information from the division, a stop sale alert must be generated through NPLeX for each individual reported under this clause.

(B) Notify NPLeX if the drug related felony of an individual reported under clause (A) has been:

- (i) set aside;
- (ii) reversed;
- (iii) expunged; or
- (iv) vacated.

Upon receipt of information under this clause, NPLeX shall remove the stop sale alert issued under clause (A) for the individual.

~~(9)~~ **(10) Staff the judicial technology oversight committee established by IC 33-23-17-2.**

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

(c) The division may adopt rules to implement this section.

SECTION 4. IC 35-48-1-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.3. "Drug related felony" means a felony conviction for an offense described in:**

- (1) IC 35-48-4-1 through IC 35-48-4-11.5; or
- (2) IC 35-48-4-13 through IC 35-48-4-14.7."

Page 5, line 23, delete "IC 35-48-4-18(a);" and insert "IC 35-48-1-16.3);".

Page 8, line 27, delete "IC 10-11-2-31.5." and insert "IC 33-24-6-3."

Page 10, delete lines 19 through 37.

Renumber all SECTIONS consecutively.

(Reference is to SB 161 as printed January 29, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 167, 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 17.

Page 2, delete lines 1 through 18.

Page 2, line 19, after "IC 23-17-19-2" insert ", AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY,".

Page 2, line 42, strike "IC 23-17-22-6(a)(5)" and insert "IC 23-17-22-5(a)(5)".

Page 2, line 42, strike "IC 23-17-22-6(a)(6)" and insert "IC 23-17-22-5(a)(6)".

Renumber all SECTIONS consecutively.

(Reference is to SB 167 as reprinted January 29, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 173, 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 motorsports.

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

"SECTION 1. IC 4-30-17-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) Money credited to the build Indiana fund, after making the disbursements required under section 3.5 of this chapter, may be used only for:

- (1) state or local capital projects that are managed or carried out by an eligible recipient; ~~or~~
- (2) deposit in a revolving loan fund for capital projects; **or**
- (3) minority motorsports scholarships under IC 21-13-11.**

(b) **Except as provided in subsection (h)**, an expenditure of money from the build Indiana fund for a state or local capital project must be certified by the budget agency to the budget committee under section 4.5 of this chapter before the project may be reviewed and approved under section 10 of this chapter.

(c) As used in this chapter, "capital project" refers to a capital project to which the general assembly has appropriated money from the build Indiana fund by project name, name of an eligible recipient, or other description of the capital project. The term includes:

- (1) the construction of airports, airport facilities, and local street and road projects;
- (2) an airport development project that is eligible for a grant or loan under IC 8-21-11; and
- (3) any other:
 - (A) acquisition of land;
 - (B) site improvements;
 - (C) infrastructure improvements;
 - (D) construction of buildings or structures;
 - (E) rehabilitation, renovation, or enlargement of buildings or structures; or
 - (F) acquisition or improvement of machinery, equipment, furnishings, or facilities;

(or any combination of these), that comprises or is functionally related to an activity that serves a governmental, a recreational, a cultural, a community, a health, a charitable, a scientific, a public safety, a literary, or an educational purpose, fosters amateur sports competition, or fosters prevention of cruelty to children.

(d) As used in this chapter, "state project" refers to a capital project that is managed or carried out by an eligible recipient described in section 2(4) through 2(6) of this chapter.

(e) As used in this chapter, "local project" refers to a capital project that is managed or carried out by an eligible recipient described in section 2(1) through 2(3) of this chapter.

(f) In appropriating money from the build Indiana fund for state and local capital projects, the general assembly shall, to the extent practicable, allocate money:

- (1) equally among legislative districts for the house of representatives; and
- (2) equally among legislative districts for the senate;

without regard to the political affiliation of the member of the general assembly representing the legislative district or the voting preferences of the legislative district.

(g) In reviewing and approving projects under section 10 of this chapter, the budget committee and the governor shall carry out a program under which, to the extent that projects otherwise qualify for funding, money for projects is disbursed:

- (1) equally among legislative districts for the house of representatives; and
- (2) equally among legislative districts for the senate;

without regard to the political affiliation of the member of the general assembly representing the legislative district or the voting preferences of the legislative district.

(h) The auditor of state may, upon the request of the commission for higher education as provided in

IC 21-13-11-7, direct the treasurer of state to transfer sufficient money from the build Indiana fund to the minority motorsports scholarship fund established by IC 21-13-11-2 to enable the commission for higher education to make the minority motorsports scholarship awards required under IC 21-13-11."

Page 4, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 3. IC 21-13-1-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. "Fund":

- (1) for purposes of IC 21-13-2, refers to the minority teacher scholarship fund established by IC 21-13-2-1;
- (2) for purposes of IC 21-13-4, refers to the National Guard tuition supplement program fund established by IC 21-13-4-1;
- (3) for purposes of IC 21-13-5, refers to the National Guard scholarship extension fund established by IC 21-13-5-1; ~~and~~
- (4) for purposes of IC 21-13-6, refers to the primary care physician loan forgiveness fund established by IC 21-13-6-3;
- (5) for purposes of IC 21-13-6.5, refers to the medical residency education fund established by IC 21-13-6.5-1; and**
- (6) for purposes of IC 21-13-11, refers to the minority motorsports scholarship fund established by IC 21-13-11-2.**

SECTION 4. IC 21-13-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 11. Minority Motorsports Scholarship Program
Sec. 1. The following definitions apply throughout this chapter:

(1) "Eligible course of study" means a course of study determined by the commission under section 4 of this chapter.

(2) "Eligible minority student" means a minority student:

- (A) whose family income does not exceed one hundred fifty percent (150%) of the federal poverty level at the time the minority student applies for a scholarship under this chapter; and**
- (B) who meets any additional conditions adopted by the commission under section 5 of this chapter.**

(3) "Minority student" means a student or prospective student who is a minority.

Sec. 2. (a) The minority motorsports scholarship fund is established for the purpose of awarding scholarships to eligible minority students for attendance at Indiana colleges and universities in accordance with this chapter.

(b) The commission shall administer the fund.

(c) The fund consists of the following:

- (1) Appropriations by the general assembly.**
- (2) Gifts.**
- (3) Interest earned on investments of money in the fund.**
- (4) Money transferred to the fund under section 7 of this chapter.**

(d) The treasurer of state may invest money in the fund that is not necessary to pay the obligations of the fund in the manner that other public money is invested.

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

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

Sec. 3. (a) Each year beginning after December 31, 2015, and before January 1, 2026, the commission shall award scholarships to two (2) eligible minority students to pursue

baccalaureate degrees in an eligible course of study at an Indiana college or university. The number of scholarships awarded under this section may not exceed twenty (20).

(b) A scholarship award under subsection (a) pays the following for each of four (4) years of study at an Indiana college or university:

- (1) The balance of the scholarship recipient's total cost of tuition or fees for attending the Indiana college or university during the year.
- (2) A stipend for the scholarship recipient's room and board expenses during the year, not to exceed five thousand dollars (\$5,000).

Sec. 4. The commission, in collaboration with the Indianapolis Motor Speedway, shall develop a list of those fields of study in the areas of:

- (1) engineering;
- (2) marketing;
- (3) design; and
- (4) hospitality;

that qualify as eligible courses of study. The list of eligible courses of study may be revised periodically, but a revision that excludes a field of study previously on the list is applicable only to scholarship awards made after the date of the revision and may not require a scholarship recipient whose scholarship was awarded before the date the list was revised to change the scholarship recipient's course of study.

Sec. 5. In addition to the criterion specified in section 1(2)(B) of this chapter, the commission may adopt additional criteria for determining who qualifies as an eligible minority student.

Sec. 6. The commission shall publish the following on the commission's Internet web site:

- (1) The criteria to qualify as an eligible minority student.
- (2) The list of eligible courses of study determined under section 4 of this chapter.
- (3) The procedure by which an individual may apply for the scholarship provided by this chapter.

Sec. 7. If the amount of money in the fund after subtracting any money that is otherwise committed for scholarships awarded under this chapter or for payment of other obligations of the fund is insufficient to make the awards required under this chapter, the commission may, notwithstanding any other law:

- (1) use money that is appropriated and not anticipated to be needed for any of the other scholarship programs established under this article; or
- (2) if there remains a shortfall after using any money described in subdivision (1), request that the auditor of state transfer a sufficient amount of money from the build Indiana fund established under IC 4-30-17 to the fund;

in order to make the awards required by this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to SB 173 as printed January 13, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 187, 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 187 as printed January 22, 2016.)

Committee Vote: Yeas 9, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 238, 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 38, delete "receives" and insert "receives:

(1)".

Page 3, line 38, delete "subdivision." and insert "subdivision; or

(2) if a district receives no funding from a political subdivision, from any other funding source.

The board shall consider funds received from a source referred to in subdivision (2) as qualifying for matching payments under this subsection."

Page 4, line 2, strike "political subdivisions" and insert "sources described in subsection (a)(1) or (a)(2)".

Page 4, line 10, strike "political".

Page 4, line 11, strike "subdivisions." and insert "sources described in subsection (a)(1) or (a)(2)".

(Reference is to SB 238 as printed January 27, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 279, 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 6-1.1-20-3.1, AS AMENDED BY P.L.203-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) This section applies only to the following:

- (1) A controlled project (as defined in section 1.1 of this chapter as in effect June 30, 2008) for which the proper officers of a political subdivision make a preliminary determination in the manner described in subsection (b) before July 1, 2008.
- (2) An elementary school building, middle school building, high school building, or other school building for academic instruction that:

- (A) is a controlled project;
- (B) will be used for any combination of kindergarten through grade 12; and
- (C) will not cost more than ten million dollars (\$10,000,000).

(3) Any other controlled project that:

- (A) is not a controlled project described in subdivision (1) or (2); and
- (B) will not cost the political subdivision more than the lesser of the following:

(I) Twelve million dollars (\$12,000,000).

(ii) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that amount is at least one million dollars (\$1,000,000).

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

- (1) The proper officers of a political subdivision shall:
 - (A) publish notice in accordance with IC 5-3-1; and

- (B) send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices;
- of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.
- (2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease for a controlled project, the officers shall give notice of the preliminary determination by:
- publication in accordance with IC 5-3-1; and
 - first class mail to the circuit court clerk and to the organizations described in subdivision (1)(B).
- (3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease for a controlled project must include the following information:
- The maximum term of the bonds or lease.
 - The maximum principal amount of the bonds or the maximum lease rental for the lease.
 - The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
 - The purpose of the bonds or lease.
 - A statement that any owners of property within the political subdivision or registered voters residing within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.
 - With respect to bonds issued or a lease entered into to open:
 - a new school facility; or
 - an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;
 the estimated costs the school corporation expects to incur annually to operate the facility.
 - A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16 (repealed) before January 1, 2009) for an increased maximum permissible tuition support levy to pay the estimated costs described in clause (F).
 - The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.
- (4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:
- ~~one~~ **five** hundred ~~(100)~~ **(500)** persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
 - five percent (5%) of the registered voters residing within the political subdivision.
- (5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political

subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:

- the carrier and signers must be owners of property or registered voters;
- the carrier must be a signatory on at least one (1) petition;
- after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and
- govern the closing date for the petition period.

Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).

(7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. The county voter registration office shall, not more than fifteen (15) business days after receiving a petition, forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

- whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and
- whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.

(9) The county voter registration office shall, not more than ten (10) business days after receiving the statement from the county auditor under subdivision (8), make the final determination of the number of petitioners that are registered voters in the political subdivision and, based on the statement provided by the county auditor, the number of petitioners that own property within the political subdivision. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the

provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular petition and remonstrance process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property, or a combination of those types of property within the subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.

(10) The county voter registration office must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within thirty-five (35) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of property or registered voters as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) This subsection applies only to a political subdivision that, after April 30, 2011, adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease subject to this section and section 3.2 of this chapter. A political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.2 of this chapter. A person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of this section and section 3.2 of this chapter. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. If the department of local government finance receives a petition under this subsection, the department shall not later than thirty (30) days after receiving the petition make a final determination on the issue of whether the capital projects were artificially divided.

SECTION 2. IC 6-1.1-20-3.5, AS AMENDED BY P.L.218-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) This section applies only to a controlled project that meets the following conditions:

(1) The controlled project is described in one (1) of the following categories:

(A) An elementary school building, middle school building, high school building, or other school building for academic instruction that:

(I) will be used for any combination of kindergarten

through grade 12; and

(ii) will cost more than ten million dollars (\$10,000,000).

(B) Any other controlled project that:

(I) is not a controlled project described in clause (A); and

(ii) will cost the political subdivision more than the lesser of twelve million dollars (\$12,000,000) or an amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date (if that amount is at least one million dollars (\$1,000,000)).

(2) The proper officers of the political subdivision make a preliminary determination after June 30, 2008, in the manner described in subsection (b) to issue bonds or enter into a lease for the controlled project.

(b) A political subdivision may not impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project without completing the following procedures:

(1) The proper officers of a political subdivision shall publish notice in accordance with IC 5-3-1 and send notice by first class mail to the circuit court clerk and to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on the preliminary determination before adoption of the ordinance or resolution. The political subdivision must make the following information available to the public at the public hearing on the preliminary determination, in addition to any other information required by law:

(A) The result of the political subdivision's current and projected annual debt service payments divided by the net assessed value of taxable property within the political subdivision.

(B) The result of:

(I) the sum of the political subdivision's outstanding long term debt plus the outstanding long term debt of other taxing units that include any of the territory of the political subdivision; divided by

(ii) the net assessed value of taxable property within the political subdivision.

(C) The information specified in subdivision (3)(A) through (3)(G).

(2) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the circuit court clerk and to the organizations described in subdivision (1).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that the proposed debt service or lease payments must be approved in an election on a local public question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

(I) a new school facility; or

(ii) an existing facility that has not been used for at

- least three (3) years and that is being reopened to provide additional classroom space;
- the estimated costs the school corporation expects to annually incur to operate the facility.
- (G) The political subdivision's current debt service levy and rate and the estimated increase to the political subdivision's debt service levy and rate that will result if the political subdivision issues the bonds or enters into the lease.
- (H) The information specified in subdivision (1)(A) through (1)(B).
- (4) After notice is given, a petition requesting the application of the local public question process under section 3.6 of this chapter may be filed by the lesser of:
- (A) ~~one~~ **five** hundred ~~(100)~~ **(500)** persons who are either owners of property within the political subdivision or registered voters residing within the political subdivision; or
- (B) five percent (5%) of the registered voters residing within the political subdivision.
- (5) The state board of accounts shall design and, upon request by the county voter registration office, deliver to the county voter registration office or the county voter registration office's designated printer the petition forms to be used solely in the petition process described in this section. The county voter registration office shall issue to an owner or owners of property within the political subdivision or a registered voter residing within the political subdivision the number of petition forms requested by the owner or owners or the registered voter. Each form must be accompanied by instructions detailing the requirements that:
- (A) the carrier and signers must be owners of property or registered voters;
- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and
- (D) govern the closing date for the petition period.
- Persons requesting forms may be required to identify themselves as owners of property or registered voters and may be allowed to pick up additional copies to distribute to other owners of property or registered voters. Each person signing a petition must indicate whether the person is signing the petition as a registered voter within the political subdivision or is signing the petition as the owner of property within the political subdivision. A person who signs a petition as a registered voter must indicate the address at which the person is registered to vote. A person who signs a petition as an owner of property must indicate the address of the property owned by the person in the political subdivision.
- (6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county voter registration office under subdivision (7).
- (7) Each petition must be filed with the county voter registration office not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.
- (8) The county voter registration office shall determine whether each person who signed the petition is a registered voter. However, after the county voter registration office has determined that at least one hundred twenty-five (125) persons who signed the petition are registered voters within the political subdivision, the county voter registration office is not required to verify whether the remaining persons who signed the petition are registered voters. If the county voter registration office

does not determine that at least one hundred twenty-five (125) persons who signed the petition are registered voters, the county voter registration office, not more than fifteen (15) business days after receiving a petition, shall forward a copy of the petition to the county auditor. Not more than ten (10) business days after receiving the copy of the petition, the county auditor shall provide to the county voter registration office a statement verifying:

- (A) whether a person who signed the petition as a registered voter but is not a registered voter, as determined by the county voter registration office, is the owner of property in the political subdivision; and
- (B) whether a person who signed the petition as an owner of property within the political subdivision does in fact own property within the political subdivision.
- (9) The county voter registration office, not more than ten (10) business days after determining that at least one hundred twenty-five (125) persons who signed the petition are registered voters or after receiving the statement from the county auditor under subdivision (8) (as applicable), shall make the final determination of whether a sufficient number of persons have signed the petition. Whenever the name of an individual who signs a petition form as a registered voter contains a minor variation from the name of the registered voter as set forth in the records of the county voter registration office, the signature is presumed to be valid, and there is a presumption that the individual is entitled to sign the petition under this section. Except as otherwise provided in this chapter, in determining whether an individual is a registered voter, the county voter registration office shall apply the requirements and procedures used under IC 3 to determine whether a person is a registered voter for purposes of voting in an election governed by IC 3. However, an individual is not required to comply with the provisions concerning providing proof of identification to be considered a registered voter for purposes of this chapter. A person is entitled to sign a petition only one (1) time in a particular referendum process under this chapter, regardless of whether the person owns more than one (1) parcel of real property, mobile home assessed as personal property, or manufactured home assessed as personal property or a combination of those types of property within the political subdivision and regardless of whether the person is both a registered voter in the political subdivision and the owner of property within the political subdivision. Notwithstanding any other provision of this section, if a petition is presented to the county voter registration office within forty-five (45) days before an election, the county voter registration office may defer acting on the petition, and the time requirements under this section for action by the county voter registration office do not begin to run until five (5) days after the date of the election.
- (10) The county voter registration office must file a certificate and each petition with:
- (A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or
- (B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;
- within thirty-five (35) business days of the filing of the petition requesting the referendum process. The certificate must state the number of petitioners who are owners of property within the political subdivision and the number of petitioners who are registered voters residing within the political subdivision.
- (11) If a sufficient petition requesting the local public question process is not filed by owners of property or registered voters as set forth in this section, the political

subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

(c) If the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall provide to the county auditor:

- (1) a copy of the notice required by subsection (b)(2); and
- (2) any other information the county auditor requires to fulfill the county auditor's duties under section 3.6 of this chapter.

SECTION 3. IC 20-40-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23. If a person, organization, or other entity:**

- (1) enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a); and**
- (2) enters into a contract or agreement with the school corporation to complete a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a);**

the costs described in subdivision (1) may not be paid from the fund. This section does not prohibit any person, organization, or other entity from providing a school corporation a free feasibility or cost study to assist the school corporation in determining the cost of a controlled project.

SECTION 4. IC 20-40-9-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12. If a person, organization, or other entity:**

- (1) enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a); and**
- (2) enters into a contract or agreement with the school corporation to complete a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a);**

the costs described in subdivision (1) may not be paid from the fund. This section does not prohibit any person, organization, or other entity from providing a school corporation a free feasibility or cost study to assist the school corporation in determining the cost of a controlled project."

Renumber all SECTIONS consecutively.
(Reference is to SB 279 as printed January 27, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 350, 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, delete lines 21 through 23.
Page 3, delete lines 27 through 36, begin a new paragraph and insert:

"SECTION 3. IC 16-27-2-0.5, AS ADDED BY P.L.84-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. As used in this chapter, "expanded criminal history check" means a criminal history check of an individual, obtained through a private agency, that

includes the following:

- (1) A search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided;
- (2) A search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state;

has the meaning set forth in IC 20-26-2-1.5."

Page 4, line 8, after "background check" delete "." and insert "or expanded criminal history check."

Page 4, line 31, delete ".".

Page 4, line 31, reset in roman "or an expanded".

Page 4, line 32, reset in roman "criminal history check".

Page 4, line 32, after "check" insert ".".

Page 4, line 41, reset in roman "or expanded criminal history check".

Page 5, line 19, reset in roman "or expanded criminal history".

Page 5, line 19, delete "check," and insert "check".

Page 5, line 20, after "department" insert ",".

Page 5, line 21, before "the Federal" delete "or".

Page 5, line 21, after "IC 10-13-3-39" insert ",".

Page 5, line 21, reset in roman "or the".

Page 5, line 22, reset in roman "private agency providing the expanded criminal check".

Page 5, line 24, reset in roman "or expanded criminal".

Page 5, line 25, reset in roman "history check".

Renumber all SECTIONS consecutively.

(Reference is to SB 350 as printed January 22, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

KIRCHHOFER, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 57, 163, 192, 242, 297, 325 and 372.

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

MOTIONS TO CONCUR
IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1047.

WASHBURNE

Roll Call 198: yeas 94, nays 0. Motion prevailed.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS
ON SECOND READING

Engrossed Senate Bill 141

Representative Kirchhofer called down Engrossed Senate Bill 141 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 141-1)

Mr. Speaker: I move that Engrossed Senate Bill 141 be amended to read as follows:

Page 11, between lines 2 and 3, begin a new paragraph and

insert:

"SECTION 20. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

(A) significant; and

(B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

(A) committed a crime of violence (IC 35-50-1-2); and

(B) knowingly committed the offense in the presence or within hearing of an individual who:

(i) was less than eighteen (18) years of age at the time the person committed the offense; and

(ii) is not the victim of the offense.

(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was:

(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or

(B) mentally or physically infirm.

(8) The person was in a position having care, custody, or control of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(12) The person committed the offense with the intent to harm or intimidate an individual because of the individual's perceived or actual:

(A) race;

(B) religion;

(C) color;

(D) sex;

(E) gender identity;

(F) disability;

(G) national origin;

(H) ancestry; or

(I) sexual orientation.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the

offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:

(A) requested emergency medical assistance; or

(B) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

(13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana;

regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

(e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries."

Renumber all SECTIONS consecutively.

(Reference is to ESB 141 as printed February 19, 2016.)

DELANEY

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 141 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

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

Engrossed Senate Bill 221

Representative Heaton called down Engrossed Senate Bill 221 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 221-1)

Mr. Speaker: I move that Engrossed Senate Bill 221 be amended to read as follows:

Page 1, line 12, delete "sixty (60)" and insert "**sixty-five (65)**".

Page 4, line 15, delete "faith and" and insert "**faith,**".

Page 4, line 16, delete "exercising reasonable care,".

(Reference is to ESB 221 as printed February 19, 2016.)
HEATON

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 1

Representative Steuerwald called down Engrossed Senate Bill 1 for third reading:

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

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

Roll Call 199: 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 91

Representative Steuerwald called down Engrossed Senate Bill 91 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 200: yeas 72, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:57 p.m. with the Speaker in the Chair.

Representative Behning, who had been excused, is now present. Representatives Cherry, Eberhart, Hale, Huston, Lawson and Pierce are now excused.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 109, 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 109 as reprinted January 20, 2016.)
Committee Vote: Yeas 8, Nays 4.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Joint Resolution 14, 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 SJ 14 as introduced.)
Committee Vote: Yeas 9, Nays 3.

STEUERWALD, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 20

Representative Harman called down Engrossed Senate Bill 20 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

Roll Call 201: yeas 69, nays 22. 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.

Representatives Hale, Huston and Pierce, who had been excused are now present. Representatives T. Brown and Lehman are excused.

Engrossed Senate Bill 145

Representative Cox called down Engrossed Senate Bill 145 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

Roll Call 202: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives T. Brown and Lehman, who had been excused, are now present. Representative Beumer is excused.

Engrossed Senate Bill 154

Representative Baird called down Engrossed Senate Bill 154 for third reading:

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

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

Roll Call 203: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 186

Representative Kirchofer called down Engrossed Senate Bill 186 for third reading:

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

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

Roll Call 204: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 219

Representative Zent called down Engrossed Senate Bill 219 for third reading:

A BILL FOR AN ACT to amend the Indiana Code

concerning professions and occupations.

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

Roll Call 205: 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 251

Representative Behning called down Engrossed Senate Bill 251 for third reading:

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

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

Roll Call 206: yeas 90, 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 271

Representative McNamara called down Engrossed Senate Bill 271 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 207: 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 272

Representative Kirchhofer called down Engrossed Senate Bill 272 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 208: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 315

Representative Zent called down Engrossed Senate Bill 315 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 209: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 327

Representative Price called down Engrossed Senate Bill 327 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 210: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 336

Representative Bacon called down Engrossed Senate Bill 336 for third reading:

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

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

Roll Call 211: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 364

Representative Bacon called down Engrossed Senate Bill 364 for third reading:

A BILL FOR AN ACT concerning health.

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

Roll Call 212: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 371

Representative Koch called down Engrossed Senate Bill 371 for third reading:

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

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

Roll Call 213: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives McNamara and Wolkins are excused.

With consent of the members, the Speaker returned to bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 165

Representative T. Brown called down Engrossed Senate Bill 165 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 165-6)

Mr. Speaker: I move that Engrossed Bill 165 be amended to read as follows:

Page 28, after line 16, begin a new paragraph and insert:
"SECTION 45. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" includes the following:

(1) The office of the secretary of family and social services established by IC 12-8-1.5-1.

(2) A managed care organization that has contracted with the office of Medicaid policy and planning under IC 12-15 to provide managed care services under the plan.

(b) As used in this SECTION, "plan" refers to the healthy Indiana plan established by IC 12-15-44.5-3, as amended by this act.

(c) Before October 1, 2016, the office shall review, compile, and prepare a written report containing the following plan information:

(1) The number of individuals who:

(A) have not been enrolled in the plan because the individual failed to make the initial payment as set forth in IC 12-15-44.5-4.7(d);

(B) have been terminated from the plan under IC 12-15-44.5-4.7(e) for not making a payment required by plan; and

(C) have had benefits reduced for failure to make a required payment under IC 12-15-44.5-4.7(d) or IC 12-15-44.5-4.7(e).

(2) For individuals described in subdivision (1)(B), the services used by each individual under the plan before the individual's enrollment in the plan was terminated.

(d) The written report required by subsection (c) must be submitted to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.

(e) This SECTION expires December 31, 2016.

SECTION 46. An emergency is declared for this act."

(Reference is to ESB 165 as printed February 19, 2016.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 165-5)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 21, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 33. IC 12-15-44.5-5, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) An insurer or health maintenance organization that contracts with the office to provide health insurance coverage, dental coverage, or vision coverage to an individual who participates in the plan:

(1) is responsible for the claim processing for the coverage;

(2) shall reimburse providers at a rate that is not less than the rate established by the secretary. The rate set by the secretary must be based on a reimbursement formula that is:

(A) comparable to the federal Medicare reimbursement rate for the service provided by the provider; or

(B) one hundred thirty percent (130%) of the Medicaid reimbursement rate for a service that does not have a Medicare reimbursement rate; and

(3) may not deny coverage to an eligible individual who has been approved by the office to participate in the plan.

(b) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan must incorporate cultural competency standards established by the office. The standards must include standards for non-English speaking, minority, and disabled populations.

(c) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan shall determine if copayments required for individuals in the plan under this chapter have been paid or waived. Not later than February 1 of each year and in a format required by the office, the insurer or health maintenance organization shall submit to the office the information collected under this subsection for the previous calendar year."

Page 23, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 37. IC 12-15-44.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The office shall annually report relevant data concerning the operation of and participation in the plan, including information collected under section 5(c) of this chapter, to the legislative council in an electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 165 as printed February 19, 2016.)

CLERE

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 214: yeas 59, nays 33. Motion prevailed.

HOUSE MOTION
(Amendment 165-4)

Mr. Speaker: I move that Engrossed Senate Bill 165 be amended to read as follows:

Page 21, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 33. IC 12-15-44.5-5, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) An insurer or health maintenance organization that contracts with the office to provide health insurance coverage, dental coverage, or vision coverage to an individual who participates in the plan:

(1) is responsible for the claim processing for the coverage;

(2) shall reimburse providers at a rate that is not less than the rate established by the secretary. The rate set by the secretary must be based on a reimbursement formula that is:

(A) comparable to the federal Medicare reimbursement rate for the service provided by the provider; or

(B) one hundred thirty percent (130%) of the Medicaid reimbursement rate for a service that does not have a Medicare reimbursement rate; and

(3) may not deny coverage to an eligible individual who has been approved by the office to participate in the plan.

(b) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan must incorporate cultural competency standards established by the office. The standards must include standards for non-English speaking, minority, and disabled populations.

(c) An insurer or a health maintenance organization that contracts with the office to provide health insurance coverage under the plan shall make a reasonable effort to determine if the regular required monthly contributions for the plan set forth in section 4.7(c) of this chapter are made by:

(1) the individual; or

(2) a third party, including other individuals, charitable organizations, providers, and other organizations.

Not later than February 1 of each year and in a format required by the office, the insurer or health maintenance organization shall submit to the office the information collected under this subsection for the previous calendar year."

Page 23, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 37. IC 12-15-44.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The office shall annually report relevant data concerning the operation of and participation in the plan, including information collected under section 5(c) of this chapter, to the legislative council in an electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 165 as printed February 19, 2016.)

CLERE

Upon request of Representatives Pelath and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 215: yeas 36, nays 56. Motion failed.

HOUSE MOTION
(Amendment 165-12)

Mr. Speaker: I move that House Bill 165 be amended to read as follows:

Page 23, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 36. IC 12-15-44.5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11. (a) If the office or a contractor of the office surveys a plan participant concerning the plan, the survey must include a question asking the plan participant to specify the source of contribution to the participant's health care account under section 4.5 of this chapter.**

(b) The office shall include a compilation of the responses provided under subsection (a) in a written annual report issued by the office and included on the office's Internet web site."

Renumber all SECTIONS consecutively.
(Reference is to ESB 165 as printed February 19, 2016.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 165-14)

Mr. Speaker: I move that House Bill 165 be amended to read as follows:

Page 16, between lines 29 and 30, begin a new paragraph and insert:

"(h) Beginning July 1, 2018, the plan must include chiropractic manipulation and adjustment services."

(Reference is to ESB 165 as printed February 19, 2016.)

BACON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 257

Representative Koch called down Engrossed Senate Bill 257 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 257-2)

Mr. Speaker: I move that Engrossed Senate Bill 257 be amended to read as follows:

Page 9, line 15, delete "6.1" and insert "6.1(h)".

Page 11, delete lines 5 through 13, begin a new line block indented and insert:

"(1) If:

(A) the municipality's municipally owned utility petitions the commission under IC 8-1-30.3-5(d); and

(B) the commission approves the municipality's municipally owned utility's petition under IC 8-1-30.3-5(c);

the proposed sale or disposition is considered to be in the public interest."

Page 11, line 14, delete "Subject" and insert "**If subdivision (1) does not apply and subject"**.

Page 11, line 14, delete "if the municipality's municipally".

Page 11, delete line 15.

Page 11, line 16, delete "IC 8-1-30.3-6,".

(Reference is to ESB 257 as printed February 19, 2016.)

KOCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 290

Representative Steuerwald called down Engrossed Senate Bill 290 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 290-4)

Mr. Speaker: I move that Engrossed Senate Bill 290 be amended to read as follows:

Page 9, delete lines 2 through 42.

Delete pages 10 through 11.

(Reference is to ESB 290 as printed February 19, 2016.)

DVORAK

Motion failed.

HOUSE MOTION
(Amendment 290-3)

Mr. Speaker: I move that Engrossed Senate Bill 290 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 35-44.1-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. As used in this chapter, "emergency incident" includes:**

- (1) a structure or vehicle that is on fire;**
- (2) a motor vehicle accident;**
- (3) an accident involving hazardous materials;**
- (4) a crime scene;**
- (5) a police investigation; and**
- (6) a location where an individual is being arrested.**

SECTION 3. IC 35-44.1-4-2, AS ADDED BY P.L. 126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that:**

(1) is:

- (+) (A) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or**
 - (-) (B) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;**
- whichever is greater; **or**

(2) is a specific distance less than one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident that is articulated by a law enforcement officer."

Renumber all SECTIONS consecutively.

(Reference is to ESB 290 as printed February 19, 2016.)

MORRIS

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 324

Representative VanNatter called down Engrossed Senate Bill 324 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 324-1)

Mr. Speaker: I move that Engrossed Senate Bill 324 be amended to read as follows:

Page 3, delete lines 6 through 8, begin a new line block indented and insert:

"(2) the state department shall, not later than the thirty-first business day after the date the application is received, provide:

- (A) the construction permit to the applicant; and**
- (B) notice to the project owner and any project insurer or bond trustee, that the state department's approval of the application:**

**(I) was mandatory by operation of the law, as a result of the state department's failure to act on the application within the prescribed statutory time period; and
(ii) was not the result of a plan review."**

Page 3, delete lines 33 through 34, begin a new line double block indented and insert:

"applicable, provide:

**(I) the applicant with a construction permit; and
(ii) notice to the project owner and any project insurer or bond trustee, that the state department's approval of the application was mandatory by operation of the law, as a result of the state department's failure to act on the application within the prescribed statutory time period, and was not the result of a plan review."**

(Reference is to ESB 324 as printed February 19, 2016.)

DELANEY

Motion failed. The bill was ordered engrossed.

Representatives Eberhart, V. Smith and Wolkins, who had been excused, are now present.

Engrossed Senate Bill 352

Representative Frizzell called down Engrossed Senate Bill 352 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 352-1)

Mr. Speaker: I move that Engrossed Bill 352 be amended to read as follows:

Page 1, delete lines 7 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 2. IC 33-33-49-13, AS AMENDED BY P.L.164-2006, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) **Subject to section 13.2 of this chapter**, each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) ~~At the primary election held in 2008 and every six (6) years thereafter, a political party may nominate not more than eight (8) candidates for judge of the court. At the primary election held in 2006 and every six (6) years thereafter, a political party may nominate not more than ten (10) candidates for judge of the court. Candidates shall be nominated as candidates for judge of other superior courts are nominated under IC 3-8.~~ The candidates shall be voted on at the general election. ~~Other candidates may qualify under IC 3-8-6 to be voted on at the general election.~~

(c) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified **under IC 3-8**, shall be placed on the ballot at the general election in the form prescribed by IC 3-11. ~~At the 2008 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for sixteen (16) candidates for judge of the court. Beginning with the 2006 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for twenty (20) candidates for judge of the court.~~

(d) The candidates for judge of the court receiving the highest number of votes shall be elected. ~~to the vacancies.~~ The names of the candidates elected as judges of the court shall be

certified to the county election board as provided by law."

Page 8, line 4, delete "appointed" and insert "**elected and qualified.**"

Page 8, delete lines 5 through 7.

Page 9, line 1, delete "newly appointed".

Page 9, line 1, after "judge" insert "**appointed to fill a vacancy on the court**".

Page 9, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 4. IC 33-33-49-14, AS AMENDED BY P.L.142-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. The executive committee shall operate and maintain the juvenile detention facilities in the county. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in subsection (b), any or all of the members elected to the executive committee may be reelected. ~~Of the four (4) judges elected to the executive committee, not more than two (2) may be members of the same political party.~~

(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge, and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. ~~Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term.~~ Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the

court."

Delete pages 10 through 13.

Renumber all SECTIONS consecutively.

(Reference is to ESB 352 as printed February 19, 2016.)

PRYOR

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 216: yeas 28, nays 68. Motion failed.

Representative Negele is excused.

HOUSE MOTION
(Amendment 352-27)

Mr. Speaker: I move that Engrossed Senate Bill 352 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. IC 33-29-1-3, AS AMENDED BY P.L.201-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) **Except as provided in section 3.1 of this chapter**, a standard superior court judge is elected at the general election every six (6) years in the county in which the court is located. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) **Except as provided in section 3.1 of this chapter**, to be eligible to hold office as a judge of a standard superior court, a person must be:

(1) a resident of the county in which the court is located; and

(2) admitted to practice law in Indiana.

SECTION 6. IC 33-29-1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 3.1. Notwithstanding section 3 of this chapter, if a chapter that applies to a county listed in IC 33-33-1 through IC 33-33-92 refers to this section concerning the procedures that shall be used in the county to select superior court judges in the county, a superior court judge in the county shall:**

(1) **be nominated by a county judicial qualifications commission;**

(2) **be appointed by the governor; and**

(3) **stand for retention or rejection by the electorate of the county;**

following the same procedures in the county as provided in IC 33-33-71-29 through IC 33-33-71-43.

SECTION 7. IC 33-33-29-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 9. (a) A judge of the Hamilton superior court shall be selected as provided in IC 33-29-1-3.1.**

(b) **A person serving as judge of the superior court on December 31, 2016, shall continue to serve as judge of the superior court for the remainder of the person's term in effect on December 31, 2016, before the person is subject to a retention election as provided in IC 33-33-29-3.1 and IC 33-33-71-29 through IC 33-33-71-43."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 352 as printed February 19, 2016.)

FORESTAL

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 217: yeas 28, nays 67. Motion failed.

HOUSE MOTION
(Amendment 352-7)

Mr. Speaker: I move that Engrossed Senate Bill 352 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. IC 33-29-1-3, AS AMENDED BY

P.L.201-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) **Except as provided in section 3.1 of this chapter**, a standard superior court judge is elected at the general election every six (6) years in the county in which the court is located. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) **Except as provided in section 3.1 of this chapter**, to be eligible to hold office as a judge of a standard superior court, a person must be:

(1) a resident of the county in which the court is located; and

(2) admitted to practice law in Indiana.

SECTION 6. IC 33-29-1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 3.1. Notwithstanding section 3 of this chapter, if a chapter that applies to a county listed in IC 33-33-1 through IC 33-33-92 refers to this section concerning the procedures that shall be used in the county to select superior court judges in the county, a superior court judge in the county shall:**

(1) **be nominated by a county judicial qualifications commission;**

(2) **be appointed by the governor; and**

(3) **stand for retention or rejection by the electorate of the county;**

following the same procedures in the county as provided in IC 33-33-71-29 through IC 33-33-71-43.

SECTION 7. IC 33-33-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 6. (a) The judge of the Adams superior court shall be selected as provided in IC 33-29-1-3.1.**

(b) **A person serving as judge of the superior court on December 31, 2016, shall continue to serve as judge of the superior court for the remainder of the person's term in effect on December 31, 2016, before the person is subject to a retention election as provided in IC 33-33-29-3.1 and IC 33-33-71-29 through IC 33-33-71-43."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 352 as printed February 19, 2016.)

FORESTAL

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 218: yeas 28, nays 67. Motion failed.

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

HOUSE MOTION
(Amendment 352-6)

Mr. Speaker: I move that Engrossed Senate Bill 352 be amended to read as follows:

Page 6, delete lines 18 through 20.

Page 6, line 21, delete "(e)" and insert "(d)".

Page 6, line 24, delete "(f)" and insert "(e)".

Page 6, line 34, delete "(g)" and insert "(f)".

Page 6, line 37, delete "(h)" and insert "(g)".

Page 6, line 42, delete "(i)" and insert "(h)".

Page 7, line 5, delete "(j)" and insert "(i)".

Page 7, line 9, delete "(k)" and insert "(j)".

Page 7, line 10, delete "(l)" and insert "(k)".

Page 7, line 13, delete "(m)" and insert "(l)".

Page 7, line 16, delete "(n)" and insert "(m)".

Page 7, line 17, delete "(o)" and insert "(n)".

Page 7, line 20, delete "(p)" and insert "(o)".

Page 7, line 20, delete "(q)" and insert "(p)".

Page 7, line 27, delete "(q)" and insert "(p)".

Page 7, line 37, delete "(r)" and insert "(q)".

(Reference is to ESB 352 as printed February 19, 2016.)

FORESTAL

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 219: yeas 27, nays 67. Motion failed.

HOUSE MOTION
(Amendment 352-10)

Mr. Speaker: I move that Engrossed Senate Bill 352 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. IC 33-29-1-3, AS AMENDED BY P.L.201-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) **Except as provided in section 3.1 of this chapter**, a standard superior court judge is elected at the general election every six (6) years in the county in which the court is located. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) **Except as provided in section 3.1 of this chapter**, to be eligible to hold office as a judge of a standard superior court, a person must be:

(1) a resident of the county in which the court is located; and

(2) admitted to practice law in Indiana.

SECTION 6. IC 33-29-1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 3.1. Notwithstanding section 3 of this chapter, if a chapter that applies to a county listed in IC 33-33-1 through IC 33-33-92 refers to this section concerning the procedures that shall be used in the county to select superior court judges in the county, a superior court judge in the county shall:**

(1) **be nominated by a county judicial qualifications commission;**

(2) **be appointed by the governor; and**

(3) **stand for retention or rejection by the electorate of the county;**

following the same procedures in the county as provided in IC 33-33-71-29 through IC 33-33-71-43.

SECTION 7. IC 33-33-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 9. (a) A judge of the Boone superior court shall be selected as provided in IC 33-29-1-3.1.**

(b) **A person serving as judge of the superior court on December 31, 2016, shall continue to serve as judge of the superior court for the remainder of the person's term in effect on December 31, 2016, before the person is subject to a retention election as provided in IC 33-33-29-3.1 and IC 33-33-71-29 through IC 33-33-71-43."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 352 as printed February 19, 2016.)

FORESTAL

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 220: yeas 29, nays 66. Motion failed. The bill was ordered engrossed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1035 and Senate Enrolled Acts 9, 17, 96, 131, 151, 217 and 291 on February 22.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 40, 42 and 43 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 33, 38 and 40 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives McNamara and Sullivan be added as cosponsors of Engrossed Senate Bill 11.

CLERE

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

HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as cosponsor of Engrossed Senate Bill 20.

HARMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as cosponsor of Engrossed Senate Bill 80.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as cosponsor of Engrossed Senate Bill 141.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Price be added as cosponsor of Engrossed Senate Bill 147.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as cosponsor of Engrossed Senate Bill 165.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 183.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 327.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as cosponsor of Engrossed Senate Bill 334.

DeVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and C. Brown be added as cosponsors of Engrossed Senate Bill 350.

BEUMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 371.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wright be added as cosponsor of Senate Concurrent Resolution 30.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Errington, Hale, Kirchhofer, Klinker, Lawson, Macer, Mayfield, McNamara, Negele, Olthoff, Pryor, Rhoads, Richardson, Riecken, Schaibley, Sullivan, Wright and Ziemke be added as cosponsors of Engrossed Concurrent Resolution 44.

SHACKLEFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Resolution 28.

SHACKLEFORD

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Forestal, the House adjourned at 7:42 p.m., this twenty-second day of February, 2016, until Tuesday, February 23, 2016, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives