



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Third Day

Tuesday Afternoon

February 3, 2015

The invocation was offered by Pastor Doug Cassel of Bethel Baptist Church in Linton, a guest of Representative Bruce Borders.

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 Edmond L. Soliday.

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

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

Truitt
Ubelhor
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 62: 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 Thursday, February 5, 2015, at 10:00 a.m.

STEUERWALD

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 10

Representatives Smith V, Summers, Harris, Porter, Bartlett, Brown C, Pryor and Shackelford introduced House Resolution 10:

A HOUSE RESOLUTION celebrating Black History Month.

Whereas, Black history has been celebrated by Americans each year since 1926, first as Negro History Week and later as Black History Month;

Whereas, Blacks have been in America since colonial times, but it was not until the 20th century that they were represented in history books;

Whereas, The celebration of Black History Month and the study of black history came into being through the efforts of Dr. Carter G. Woodson;

Whereas, Dr. Woodson's parents were former slaves, and he spent his childhood working in the Kentucky coal mines;

Whereas, Dr. Woodson enrolled in high school at age 20, graduated within two years, and went on to earn a Ph.D. from Harvard University;

Whereas, Dr. Woodson was disturbed to find that history books largely ignored the black American population and mentioned blacks only in ways that reflected the inferior social position they were assigned at the time;

Whereas, Dr. Woodson began the task of writing black Americans into the nation's history;

Whereas, Through the efforts of Dr. Woodson, several organizations were established as a way to bring national attention to the contributions of black people throughout American history, including the Association for the Study of Negro Life and History, founded in 1915 (now known as the Association for the Study of African American Life and History), the Journal of Negro History (now known as the Journal of African American History), and, in 1926, the establishment of Negro History Week;

Whereas, Dr. Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the black American population: Frederick Douglass and Abraham Lincoln;

Whereas, Black History Month, celebrated in February, acknowledges the achievements of blacks in the military, arts, civil rights, education, entertainment, history, law, literature, medicine, music, politics, science, sports, and other areas;

Whereas, The goal of Black History Month is to bridge the gap created by American history's failure to accurately acknowledge, portray, and record the contributions and inventions of blacks; and

Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: 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 acknowledges the many contributions and accomplishments of black Americans throughout the history of the United States and Indiana.

SECTION 2. That the Indiana House of Representatives urges entities and organizations to celebrate Black History Month.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1184, 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 HB 1184 as introduced.)

Committee Vote: Yeas 12, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1196, 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 31-34-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person may give an intake officer written information indicating that a child is a child in need of services. If the intake officer **completing the preliminary inquiry** has reason to believe that the child is a child in need of services, the intake officer shall:

- (1) make a preliminary inquiry to determine whether the interests of the child require further action; **and**
- (2) **complete the dual jurisdiction screening tool on the child, as described in IC 31-41-1-3.**

Whenever practicable, the preliminary inquiry should include information on the child's background, current status, and school performance.

SECTION 2. IC 31-34-7-2, AS AMENDED BY P.L.146-2008, SECTION 583, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The intake officer shall send to the attorney for the department a copy of the preliminary inquiry. The intake officer shall recommend whether to:

- (1) file a petition;
- (2) **file a petition and recommend that the child be**

referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41-1-5;

~~(2)~~ (3) informally adjust the case;

(4) informally adjust the case and recommend that the child be referred for an assessment by the dual jurisdiction assessment team as described in IC 31-41-1-5;

~~(3)~~ (5) refer the child to another agency; or

~~(4)~~ (6) dismiss the case.

SECTION 3. IC 31-34-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The juvenile court shall do the following:

(1) Consider the preliminary inquiry and the evidence of probable cause that is contained in the report of the preliminary inquiry or an affidavit of probable cause.

(2) Authorize the filing of a petition if the court finds probable cause to believe that the child is a child in need of services.

(3) Determine if a child should be referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41-1-5.

SECTION 4. IC 31-34-10-2, AS AMENDED BY P.L.48-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition within ten (10) days after the filing of the petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, guardian ad litem, or court appointed special advocate.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

(d) If the initial hearing is not scheduled and held within the specified time as described in this section, the child shall be released to the child's parent, guardian, or custodian.

(e) The juvenile court shall determine if a child should be referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41-1-5.

~~(f)~~ (f) The court may schedule an additional initial hearing on the child in need of services petition if necessary to comply with the procedures and requirements of this chapter with respect to any person to whom a summons has been issued under this section **including if the court refers a child to be assessed by a dual jurisdiction assessment team. An additional initial hearing shall be conducted if the court refers a child to be assessed by a dual jurisdiction assessment team unless the court has:**

(1) granted an extension of time due to extraordinary circumstances; and

(2) stated the extraordinary circumstances in a written court order.

~~(g)~~ (g) **Except for cases in which a child has been referred for an assessment by a dual jurisdiction assessment team, an additional initial hearing on the child in need of services petition shall be held not more than thirty (30) calendar days after the date of the first initial hearing on the child in need of services petition, unless the court has:**

(1) granted an extension of time for extraordinary circumstances; and

(2) stated the extraordinary circumstance in a written court order.

~~(h)~~ (h) The department shall provide notice of the date, time, place, and purpose of the initial hearing and any additional initial hearing scheduled under this section to each foster parent or other caretaker with whom the child has been temporarily placed under IC 31-34-2.5, IC 31-34-4, or IC 31-34-5. The court shall:

(1) provide a:

(A) person for whom a summons is required to be

issued under subsection (b); and

(B) person who is required to be notified under this subsection;

an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the initial hearing.

~~(h)~~ **(i)** A petition alleging that a child is a child in need of services shall be filed before a detention hearing concerning the child is held.

~~(i)~~ **(j)** If a detention hearing is held under IC 31-34-5, the initial hearing on the child in need of services petition shall be held at the same time as the detention hearing.

~~(j)~~ **(k)** The court may schedule an additional initial hearing on a child in need of services petition if necessary to comply with the procedures and requirements of this chapter with respect to any person to whom a summons has been issued under this section.

~~(k)~~ **(l)** An additional initial hearing under subsection ~~(j)~~ **(k)** shall be held not more than thirty (30) calendar days after the date of the first initial hearing on the child in need of services petition unless the court:

(1) grants an extension of time for extraordinary circumstances; and

(2) states the extraordinary circumstance in a written court order.

SECTION 5. IC 31-34-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** If the court finds that a child is a child in need of services, the court shall:

(1) enter judgment accordingly;

(2) order a predisposition report; ~~and~~

(3) schedule a dispositional hearing; ~~and~~

(4) complete a dual jurisdiction screening tool on the child, as described in IC 31-41-1-3.

(b) If a court determines a child is a dual jurisdiction child, the court may refer the child for an assessment by a dual jurisdiction assessment team as described in IC 31-41-1-5.

SECTION 6. IC 31-34-18-6.1, AS AMENDED BY P.L.146-2008, SECTION 600, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) The predispositional report prepared by the department or caseworker must include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(4) The report and recommendations of the dual jurisdiction assessment team if the child is a dual jurisdiction child under IC 31-41.

(b) If the department or caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the department or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the

time the predispositional report is prepared."

Page 1, line 14, delete "Whether the child has been adjudicated as a delinquent" and insert "**The recommendations and report of a dual jurisdiction assessment team if the child is a dual jurisdiction child.**"

Page 1, delete line 15.

Page 2, delete line 1.

Page 2, line 24, delete "should be supervised as a delinquent" and insert "**is a dual jurisdiction child under IC 31-41.**"

Page 2, delete lines 25 through 27.

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 9. IC 31-37-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person may give an intake officer or a prosecuting attorney written information indicating that a child is a delinquent child.

(b) If the information is given to the intake officer, the intake officer shall:

(1) immediately forward the information to the prosecuting attorney; and

(2) complete a dual jurisdiction screening tool on the child, as described in IC 31-41-1-3.

(c) If the prosecuting attorney has reason to believe the child has committed a delinquent act, the prosecuting attorney shall instruct the intake officer to make a preliminary inquiry to determine whether the interests of the public or of the child require further action.

SECTION 10. IC 31-37-8-2, AS AMENDED BY P.L.146-2008, SECTION 626, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A preliminary inquiry is an informal investigation into the facts and circumstances reported to the court. Whenever practicable, the preliminary inquiry should include the following information:

(1) The child's background.

(2) The child's current status.

(3) The child's school performance.

(4) If the child has been detained:

(A) efforts made to prevent removal of the child from the child's home, including the identification of any emergency situation that prevented reasonable efforts to avoid removal;

(B) whether it is in the best interests of the child to be removed from the home environment; ~~and~~

(C) whether remaining in the home would be contrary to the health and welfare of the child; ~~and~~

(D) the results of a dual jurisdiction screening tool to determine whether the child is a dual jurisdiction child as described in IC 31-41-1-2.

SECTION 11. IC 31-37-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. If a child interview occurs, the intake officer shall advise the child and the child's parent, guardian, or custodian of the following:

(1) The nature of the allegations against the child.

(2) That the intake officer is conducting a preliminary inquiry to assist the prosecuting attorney in determining whether a petition should be filed alleging that the child is a delinquent child.

(3) That the intake officer will recommend whether to:

(A) file a petition;

(B) file a petition and recommend that the child be referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41;

~~(B)~~ (C) informally adjust the case;

(D) informally adjust the case and recommend that the child be referred for an assessment by the dual jurisdiction assessment team as described in IC 31-41-1-5;

~~(C)~~ (E) refer the child to another agency; or

~~(D)~~ (F) dismiss the case.

(4) That the child has a right to remain silent.

(5) That anything the child says may be used against the

child in subsequent judicial proceedings.

(6) That the child has a right to consult with an attorney before the child talks with the intake officer.

(7) That the child has a right to stop at any time and consult with an attorney.

(8) That the child has a right to stop talking with the intake officer at any time.

(9) That if the child cannot afford an attorney, the court will appoint an attorney for the child.

SECTION 12. IC 31-37-8-5, AS AMENDED BY P.L.146-2008, SECTION 627, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The intake officer shall do the following:

(1) Send the prosecuting attorney a copy of the preliminary inquiry.

(2) Recommend whether to:

(A) file a petition;

(B) file a petition and recommend that the child be referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41-1-5;

~~(C) informally adjust the case;~~

(D) informally adjust the case and recommend that the child be referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41-1-5;

~~(E) refer the child to another agency; or~~

~~(F) dismiss the case.~~

(b) The prosecuting attorney and the court may agree to alter the procedure described in subsection (a).

(c) A prosecuting attorney has the discretion to file a petition under this section, even if the prosecuting attorney does not agree with a recommendation to file a petition under subsection (a)(2).

SECTION 13. IC 31-37-12-2, AS AMENDED BY P.L.138-2007, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, or guardian ad litem.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

(d) The prosecuting attorney or the probation department of the juvenile court shall provide notice of the time, place, and purpose of the initial hearing scheduled or held under this section to each foster parent or other caretaker with whom the child has been placed for temporary care under IC 31-37-5 or IC 31-37-7. The court shall:

(1) provide a:

(A) person for whom a summons is required to be issued under subsection (b); and

(B) person required to be notified under this subsection; an opportunity to be heard; and

(2) allow a person described in subdivision (1) to make recommendations to the court;

at the initial hearing.

(e) The juvenile court shall determine if a child should be referred for an assessment by a dual jurisdiction assessment team as described in IC 31-41.

(f) If the court refers the child for an assessment by a dual jurisdiction assessment team, the court shall schedule an additional initial hearing on the petition if the court refers a child to be assessed by a dual jurisdiction assessment team unless the court:

(1) grants an extension of time due to extraordinary circumstances; and

(2) states the extraordinary circumstances in a written court order."

Page 2, line 33, after "2." insert "(a)".

Page 2, line 38, delete "Determine whether the child has been found to be a child" and insert "**Complete a dual jurisdiction screening tool on the child, as described in IC 31-41-1-3, and determine whether the child is a dual jurisdiction child as described in IC 31-41-1-2.**

(b) If a child is determined to be a dual jurisdiction child, the court may refer the child for an assessment by a dual jurisdiction team as described in IC 31-41."

Page 2, delete lines 39 through 40, begin a new paragraph and insert:

"SECTION 16. IC 31-37-17-6.1, AS AMENDED BY P.L.123-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) The predispositional report prepared by a probation officer must include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(4) The items required under section 1 of this chapter.

(5) The results of a dual jurisdiction screening tool to determine whether the child is a dual jurisdiction child as described in IC 31-41-1-2.

(b) If a probation officer is considering an out-of-home placement, including placement with a relative, the probation officer must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who is currently residing in the location designated as the out-of-home placement. The results of the criminal history check must be included in the predispositional report.

(c) A probation officer is not required to conduct a criminal history check under this section if:

(1) the probation officer is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 3, line 19, delete "should be supervised as a child in need" and insert "**is a dual jurisdiction child under IC 31-41."**

Page 3, delete lines 20 through 22.

Page 4, line 21, delete "ADJUDICATION" and insert "**JURISDICTION**".

Page 4, line 22, delete "Determination of Lead Agency" and insert "**Definitions**".

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Dual jurisdiction child" means:

(1) a child who is alleged to be or is presently adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11 and is alleged to be or is presently adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13;

(2) a child who is presently named in an informal adjustment under IC 31-34-8 and who is adjudicated:

(A) a delinquent child under IC 31-37-12 or IC 31-37-13; or

(B) to be a child in need of services under IC 31-34-10 or IC 31-34-11;

(3) a child who:

(A) has been previously adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11;

or

(B) was a participant in an program or informal adjustment under IC 31-34-8;

and who was under a wardship that had been terminated or was in a program of informal adjustment that had concluded before the current delinquency petition;

(4) a child who was:

(A) previously adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13 that was closed; and

(B) a participant in a program of informal adjustment under IC 31-37-9 which was concluded prior to a child in need of services proceeding; and

(5) a child:

(A) who is eligible for release from commitment of the department of correction;

(B) whose parent, guardian, or custodian:

(i) cannot be located; or

(ii) is unwilling to take custody of the child; and

(C) the department of correction is requesting a modification of the dispositional decree under IC 31-30-2-4.

Sec. 3. "Dual jurisdiction screening tool" means a factual review of a child's status and history conducted by an intake officer under IC 31-34 or IC 31-37 to determine whether a child meets the criteria for being a dual jurisdiction child as defined by section 2 of this chapter.

Sec. 4. "Dual jurisdiction assessment" means a review by a dual jurisdiction assessment team to assess a dual jurisdiction child's:

(1) status;

(2) best interests; and

(3) need for services.

Sec. 5. "Dual jurisdiction assessment team" means a committee assembled and convened by a juvenile court to recommend the proper legal course for a dual jurisdiction child.

Chapter 2. Dual Jurisdiction Assessment Team

Sec. 1. After a juvenile court has determined that a child is a dual jurisdiction child, the juvenile court shall refer the child to be assessed by a dual jurisdiction assessment team.

Sec. 2. (a) The dual jurisdiction assessment team shall include:

(1) if the child has a department of child services case manager, the case manager;

(2) if the child does not have a department of child services case manager, a case manager appointed by the local department of child services director;

(3) a court appointed special advocate or a guardian ad litem;

(4) if the child has a probation officer, that probation officer;

(5) if the child does not have a probation officer, a probation officer appointed by the court; and

(6) a meeting facilitator, who may be a member of the dual jurisdiction assessment team or may be a person appointed by the juvenile court.

(b) The dual jurisdiction assessment team may include:

(1) the child if the juvenile court deems the child is age appropriate;

(2) the child's public defender or attorney;

(3) the child's parent, guardian, or custodian;

(4) the child's parent's attorney;

(5) a prosecuting attorney;

(6) a school representative;

(7) an educator;

(8) a therapist;

(9) the child's foster parent; and

(10) a service provider appointed by the team or the juvenile court.

Sec. 3. (a) The dual jurisdiction assessment team shall

meet within ten (10) days of the date ordered by the juvenile court.

(b) The dual jurisdiction assessment team shall be convened by the facilitator described in section 2(a)(6) of this chapter.

(c) The dual jurisdiction assessment team shall consider:

(1) any allegations of abuse or neglect suffered by the child; and

(2) any allegation that the child is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1.

Sec. 4. All statements communicated in a dual jurisdiction assessment team meeting are:

(1) not admissible as evidence against the child in any judicial proceeding; and

(2) not discoverable in any litigation.

Sec. 5. The dual jurisdiction assessment team shall consider the child's best interests and well being including:

(1) the child's mental health, including any diagnosis;

(2) the child's school records, including attendance and achievement level;

(3) the child's statements;

(4) the statements of the child's parent, guardian, or custodian;

(5) the impact of the child's behavior on any victim;

(6) the safety of the community;

(7) the child's needs, strengths, and risk;

(8) the need for a parent participation plan;

(9) the efficacy and availability of services and community providers;

(10) whether appropriate supervision of the child can be achieved by the dismissal of a delinquency adjudication in deference to a child in need of services adjudication;

(11) whether appropriate supervision of the child can be achieved by combining a delinquency adjudication or informal adjustment with a child in need of services petition;

(12) the child's placement needs;

(13) restorative justice practices that may be appropriate;

(14) whether a child in need of services petition or informal adjustment should be filed or dismissed;

(15) whether a delinquency petition or informal adjustment should be filed or dismissed;

(16) the availability of coordinated services regardless of whether the child is adjudicated to be a child in need of services or a delinquent;

(17) whether the team recommends the exercise of dual adjudication and the lead agency to provide supervision of the child; and

(18) any other information considered appropriate by the team.

Sec. 6. After a dual jurisdiction assessment team has met to assess a child, the team shall:

(1) designate a member to prepare the written report for the juvenile court; and

(2) provide recommendations including:

(A) whether the court should proceed with an additional initial hearing regarding the petition alleging the child is in need of services and dismiss a pending delinquency petition or informal adjustment at the conclusion of a child in need of services adjudication;

(B) whether the court should proceed with an additional initial hearing regarding a petition alleging that the child is a delinquent under IC 31-37-1 and dismiss a pending child in need of services petition or informal adjustment upon conclusion of the delinquency adjudication;

(C) whether the court should proceed with an additional initial hearing and adjudication or informal adjustment concerning a child in need of

services petition and a delinquency petition under IC 31-37-1;

(D) what agency should be the lead agency in a child's supervision; and

(E) any other matters relevant to the child's best interests including any services to be included in a dispositional decree.

Chapter 3. Determination of Lead Agency".

Page 4, line 26, delete "the court" and insert "**unless the court adopts a contrary recommendation by a dual jurisdiction assessment team, the court**".

Page 4, line 27, delete ", the department of correction,".

Page 4, line 34, delete "and".

Page 4, line 35, delete "." and insert "; and

(4) the recommendations of the dual jurisdiction assessment team."

Renumber all SECTIONS consecutively.

(Reference is to HB 1196 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission shall carry out a program to review the fire safety laws and the building laws adopted in the ordinances and other regulations of political subdivisions.

(b) **Except as provided in subsection (c)**, an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:

(1) must be submitted to the commission for review within thirty (30) days after adoption by the political subdivision; and

(2) is not effective until it is approved by the commission.

(c) ~~However~~, An ordinance that:

(1) is adopted by a city, town, or county; and

(2) governs the installations, repair, and maintenance of smoke detectors in residential structures that are not required to have smoke detectors under the rules of the commission;

is effective without approval by the commission."

Page 2, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to HB 1300 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 34, after "(d)" delete "The" and insert "**Upon approval by the court, the**"

Page 2, line 35, delete "in accordance with the" and insert "**electronically**".

Page 2, delete line 36.

Page 2, line 39, delete "disclosure on the defendant." and insert "**notice provided to the judgment debtor under section 5(b)(7) of this chapter**".

Page 3, line 4, delete "defendant," and insert "**debtor, the court shall approve the writ of garnishment and**".

Page 3, line 5, delete "shall" and insert "**may**".

Page 3, line 7, delete "plaintiff's" and insert "**judgment creditor's**".

Page 3, line 8, delete "plaintiff" and insert "**judgment creditor**".

Page 3, line 9, delete "plaintiff" and insert "**judgment creditor**".

Page 3, line 9, delete "plaintiff's" and insert "**judgment creditor's**".

Page 3, line 22, delete "plaintiff" and insert "**judgment creditor**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1358 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1469, 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 11, after "addition," insert "**if**".

Page 1, line 12, after "the" insert "**determines that the person, firm, corporation, limited liability company, or association that failed to pay the employee as provided in section 1 of this chapter was not acting in good faith, the court:**".

Page 1, line 12, delete "**may:**".

Page 1, line 13, after "(1)" insert "**may**".

Page 2, line 3, delete "double" and insert "**triple**".

Page 2, line 5, after "(2)" insert "**shall**".

Page 2, line 41, after "merchandise" insert ",".

Page 2, line 41, strike "sold" and insert "**goods, or food offered**".

Page 2, line 41, after "employer" insert "**and sold**".

Page 2, line 42, after "employee," insert "**for the employee's benefit, use, or consumption,**".

Page 3, delete lines 25 through 37, begin a new line block indented and insert:

"(14) The purchase of uniforms and equipment necessary to fulfill the duties of employment. The total amount of wages assigned may not exceed the lesser of:

(A) two thousand five hundred dollars (\$2,500) per year; or

(B) the amount limits set forth in section 4(c) of this chapter.

(15) Reimbursement for education or employee skills training.

(16) An advance for:

(A) payroll; or

(B) vacation;

pay.

(c) The interest rate charged on amounts loaned or advanced to an employee and repaid under subsection (b) may not exceed the bank prime loan interest rate as reported by the Board of Governors of the Federal Reserve System or any successor rate, plus four percent (4%)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1469 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1509, 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 HB 1509 as introduced.)

Committee Vote: Yeas 12, Nays 0.

STEMLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration the recommendation of the Statutory Committee on Ethics to incorporate the House Code of Ethics into the Rules of the House of Representatives and that conforming amendments to House Rules 1 and 47 also be adopted (attached) and begs leave to report the same back to the House with the recommendation that said amendments be adopted.

Committee Vote: yeas 10, nays 0.

TORR, Chair

EXHIBIT A

**RULES OF THE
HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH
GENERAL ASSEMBLY OF INDIANA**

PART I. DEFINITIONS

1. Definitions. As used in these rules:

“author” means the member who introduces a House bill or resolution and whose name appears first on the bill.

“bill” includes bills and joint resolutions but does not include concurrent or house resolutions.

“calendar day” means the period from 12:00 a.m. to the next occurring 11:59 p.m.

“chamber” means the room, including the galleries, in which the House holds its legislative sessions.

“clerk” means Principal Clerk.

“coauthor” means a member who joins with the author and whose name appears after the name of the author.

“committee meeting” means a majority of the members of a committee gathering to conduct business but does not include executive session of the Statutory Committee on Ethics.

“concurrent resolution” means a non-joint resolution that must be presented to both houses of the General Assembly for adoption.

“constitutional majority” means a majority of all the members elected to the House. (Constitution, Article 4, Section 25.)

“cosponsor” means a member who joins with the sponsor and whose name appears after the name of the sponsor.

“direct personal or pecuniary interest” means that the disposition of the legislative matter could reasonably be expected to have a unique, direct, and substantial effect on the nonlegislative income of the member, a member’s close relative, as defined in IC 2-2.1-3-1, or a partnership, corporation, or business in which the member or a close relative holds an ownership interest.

“floor” means the main floor of the chamber.

“galleries” means the areas within the chamber that have

been provided for members of the public to observe the sessions of the House.

“hall” means the chamber together with all rooms and hallways adjacent to the chamber.

“house resolution” means a resolution that is not to be presented to the Senate for adoption.

“joint resolution” means a resolution that must meet the same requirements for adoption as a bill.

“journal” means the Journal of the House.

“majority” means a majority of the members present and voting.

“meeting day” means a calendar day when the House convenes in session.

“member” means an individual duly elected to the House.

“member’s desk” means the desk within the chamber assigned to a member or the chamber bin located adjacent to the chamber, assigned to a member.

“sponsor” means the member who sponsors in the House a bill or resolution which originated in the Senate and whose name appears first on the bill.

PART II. CONDUCT OF BUSINESS

2. Time of Convening. The House shall convene at the time provided by motion adopted by a constitutional majority.

2.1. Deadlines. Whenever a deadline date is specified in these rules, and that date falls on a Saturday, Sunday, or legal holiday, that deadline date is extended to the next day that is not a Saturday, Sunday, or legal holiday.

3. Quorum. Two-thirds of the members of the House constitute a quorum to do business. (Constitution, Article 4, Section 11.)

4. Power of Less Than a Quorum to Compel Attendance. Seven (7) members with the Speaker or Speaker Pro Tempore, or eight (8) members in the absence of the Speaker and Speaker Pro Tempore, one member of the majority of whom they shall elect acting Speaker, may call the House to order, compel the attendance of absent members, make an order for their fine and censure and adjourn from day to day until a quorum is in attendance.

5. Votes Necessary for Action.

5.1 For the final passage of bills, motions to concur with Senate amendments, or the adoption of conference committee reports, approval by a constitutional majority is required.

5.2 In all other cases, approval by a majority is required, except as provided in Rules 8, 24, 83, 107 and 149.

6. Organizational Meeting.

6.1 The first item of business, in the first regular session, shall be election of officers.

6.2 Other items of business for the organizational meeting shall include the adoption of rules and joint rules.

7. Effect of the Rules. These rules shall govern the House for the term of the General Assembly. (Constitution, Article 4, Section 10.)

8. Changing the Rules. Any rule may be rescinded, changed or suspended without previous notice, and a motion for such purpose is in order at any time, except after a vote on the question has been ordered. Such a motion has precedence over all other business. The motion must be seconded by a constitutional majority and must be carried by two-thirds vote of the members of the House, except as provided in Rules 147, 148, 161 and 163.2. However, the rescission, change or suspension of any rule recommended by the Committee on Rules and Legislative Procedures may be adopted by a constitutional majority of the House.

9. Parliamentary Authority. Concerning all questions not provided for by these rules, Jefferson's Manual shall be regarded as a parliamentary guide of the House and the rules and precedents of the House of Representatives of the United States shall be followed.

10. Order of Business—Usual. The order of business shall be as follows:

- 10.1 Invocation.
- 10.2 Calling the House to order.
- 10.3 Pledge of Allegiance.
- 10.4 Roll call.
- 10.5 Reports from committees.
 - (a) Standing committees.
 - (b) Select committees.
 - (c) Conference committees.
- 10.6 Introduction of resolutions and bills.
- 10.7 Business on the Speaker's table.
 - (a) Executive and other communications.
 - (b) Bills and resolutions from the Senate on first reading.
 - (1) Reference to committee; or
 - (2) Placed on file in order of receipt.
 - (c) Bills of the House and Senate on second reading.
 - (d) Bills of the House and Senate on third reading.
- 10.8 Reading of the Journal, or so much thereof as shall be called for, shall occur upon motion duly adopted by a majority.

11. Order of Business—Discretionary. Notwithstanding Rule 10, the following items of business may be considered at any time at the discretion of the Speaker:

- 11.1 Messages from the Senate.
- 11.2 Action on Senate amendments to House bills.
- 11.3 Action on reports of conference committees (subject to Rules 161 and 162).

12. Order of Business—Suspension. The order of business may be suspended with the consent of a majority.

13. Effect of Adjournment Sine Die. Every bill or resolution which is pending at the adjournment sine die of any session of the General Assembly shall be deemed to have failed and shall not be transferred to any subsequent session, special session or technical session.

14. Persons Authorized Within the Hall. Only the following persons may be admitted within the hall of the House without the consent of the Speaker:

- 14.1 members, officers, or employees of the General Assembly;
- 14.2 members of the executive or judicial branches;
- 14.3 accredited members of the news media;
- 14.4 employees of the Legislative Services Agency; or
- 14.5 members of the public seated in the galleries.

15. Persons Authorized on Speaker's Stand. When he or she is there, no person shall enter upon the Speaker's stand or stand upon the steps leading thereto without an invitation from the Speaker.

PART III. OFFICERS, EMPLOYEES, AND JOURNAL

A. SELECTION OF OFFICERS

16. Officers. The officers of the House shall be:

- 16.1 Speaker.
- 16.2 Principal Clerk.

17. Term of Office. Each officer of the House shall continue in office for the term of the General Assembly unless removed, suspended or unable to serve.

18. Oath. The Speaker and Principal Clerk shall, before entering upon the discharge of their duties, take an oath to support the Constitution of the United States and the State of Indiana and to faithfully and impartially discharge their duties.

B. POWERS AND DUTIES OF THE SPEAKER

19. Call to Order. The Speaker shall call the House to order every meeting day at the hour fixed pursuant to Rule 2.

20. Direction of the Hall.

- 20.1 The Speaker shall have general direction of the hall.
- 20.2 The Speaker shall preserve order and decorum.
- 20.3 In case of any disturbance or disorderly conduct in the hall, the Speaker may order it to be cleared.

21. Speaker Pro Tempore. The Speaker may appoint one of the members of the House as Speaker Pro Tempore, who shall hold office at the pleasure of the Speaker, and who shall exercise all the powers and carry out all the duties of the Speaker in the absence of the Speaker, and who shall carry out such other duties as may be assigned by the Speaker.

22. Acting Speakers. The Speaker, or the Speaker Pro Tempore if the Speaker is unable, may name any member to perform the duties of the Chair, but such substitution shall not extend beyond one day.

23. Appointment of Committees. The Speaker shall appoint all committees and committee chairs. If the Speaker is unable to make appointments such appointments may be specifically directed by a constitutional majority.

24. Questions of Order.

24.1 The Speaker shall decide questions of order, subject to an appeal to the House by any two members. Such an appeal shall be in writing, signed by the members taking the appeal, and shall clearly state the point of order decided by the Chair. No member may speak more than once on an appeal, unless by consent of a majority of the House. No appeal from the decision of the Chair shall prevail except by a constitutional majority. The decisions of the Chair shall be inserted in the Journal.

24.2 The Speaker may speak to points of order in preference to other members, rising from his seat for that purpose.

25. Stating Motions. When a motion is made and seconded, it shall be stated by the Speaker or being in writing, read aloud by the reading clerk.

26. Questions—Form and Vote. Questions shall be put substantially in this form: "The question is on _____ as many as are in favor vote 'aye,'" and after the affirmative vote is expressed, "as many as are opposed 'no.'" If the Speaker is uncertain of the result of a voice vote, he may order a roll call or, upon request of any two members, he shall grant a roll call.

27. Voting. The Speaker is not required to vote in ordinary legislative proceedings. But when the House is equally divided on a question, he shall give the deciding vote; when his vote would make an equal division, he shall vote upon the call of any member.

28. Signature. The Speaker shall sign all enrolled acts, enrolled joint resolutions, warrants, and subpoenas of or issued by order of the House.

C. DUTIES OF OTHER OFFICERS AND EMPLOYEES

29. Clerk—List of Bills Filed. The Clerk shall, upon the request of the Speaker, prepare a list of the bills filed. The list shall contain the number, title and author of each bill and shall be delivered to the Speaker for committee referral of each bill.

30. Clerk—Receipt for Enrolled Acts. As custodian of the enrolled acts, the Clerk shall require a receipt upon surrendering possession of an enrolled act.

31. Clerk—Disposition of Bills after Session.

- 31.1 After each session, the Clerk shall transmit to the State Archives all original and engrossed House bills and resolutions. The State Archives will provide for the preservation of such bills and resolutions.
- 31.2 The Clerk shall retain the receipt books of the

transmittal of enrolled acts and joint resolutions to the Governor and such bookkeeping records as are appropriate. At the end of the term of office, unless re-elected, the Clerk shall transmit to the Legislative Services Agency all such receipt books and bookkeeping records from each session during the term. The Legislative Services Agency shall provide for the preservation of such records and books for future use.

32. Clerk—Messages from the Senate. When messages, bills, and resolutions are received from the Senate they shall be delivered in written or electronic form to the Speaker.

33. Doorkeepers.

33.1 It is the duty of the Doorkeepers to attend to the House during its sessions, to maintain order in the hall, to execute all process issued by the authority of the House and directed to them by the Speaker and in all things to execute the commands of the Speaker of the House.

33.2 It is the duty of the Doorkeepers upon the authority of the Speaker to clear the hall of unauthorized persons from 30 minutes before the time for convening until 30 minutes after adjournment.

D. HOUSE JOURNAL

34. Requirement. A Journal of the proceedings of the House shall be kept and published. (Constitution, Article 4, Section 12.)

35. Contents.

35.1 The title of every bill introduced shall be recorded in the Journal.

35.2 All joint resolutions amending the Constitution of the State shall be published in full in the Journal.

35.3 All motions, resolutions, reports, petitions, decisions of the Chair, and amendments to bills or other matters shall appear of record in a manner approved by the Speaker.

PART IV. RIGHTS AND DUTIES OF MEMBERS

A. GENERALLY

36. Attendance. No member shall be absent from the service of the House unless excused by the Speaker, is sick or is unable to attend.

37. Presentation of Petitions and Memorials.

37.1 Members having petitions, memorials, concurrent or house resolutions to present may hand them to the Speaker, endorsing them with their names. Petitions, memorials, concurrent or house resolutions, and the reference or disposition of them, shall be entered on the Journal and may be referred by the Speaker to the appropriate committees. If any petition, memorial, concurrent or house resolution is presented which in the judgment of the Speaker is not respectful, temperate and free from offensive imputations upon the character or conduct of the General Assembly or other constituted authority, it shall be returned to the member from whom it was received.

37.2 When a paper is first presented to the House, it is a matter of right of any member to have it read before the House votes upon it. If the paper has been once read or the reading dispensed with and the reading is again requested and objected to, it shall be determined by a vote of the House.

38. Protest. Any member of the House has the right to protest, and to have that protest, with the reasons for dissent, entered on the Journal. (Constitution, Article 4, Section 26.)

B. CONCERNING DEBATE

39. Decorum. While the Chair is putting any question or

addressing the House, no member shall walk out of or across the House; when a member is speaking or delivering any matter to the House, no other member shall pass between that member and the Chair.

40. Recognition to Speak.

40.1 Any member desiring to speak in debate or to deliver any matter to the House, shall rise and respectfully address "Mr. Speaker," but shall not proceed until recognized by the Speaker.

40.2 When two or more members rise at once, the Speaker shall name the member who is first to speak.

41. Contents of Comments.

41.1 Comments shall be confined to the question under consideration, shall avoid personality, and shall not impeach the motive of any member's vote or argument.

41.2 Video coverage of the House shall not be altered or deleted during the term of the General Assembly unless agreed to in writing by the Speaker and Minority Leader.

42. Frequency of Speaking. No member may speak more than twice on the same question without the consent of the House, or more than once until every member choosing to speak has spoken.

43. Breaches of Order.

43.1 If a member transgresses the rules of the House, the Speaker or any other member may call the offender to order, in which case the member called to order shall immediately sit down, unless permitted to explain. The House shall, if appealed to, decide on the case, without debate, in accordance with Rule 24. If there is no appeal the decision of the Chair shall be submitted to. If the decision is in favor of the member called to order, he or she may proceed; if the decision is not in favor of that member, he or she may not proceed if any member objects, without leave of the House. If the case requires it, a member may be liable to the censure of the House.

43.2 If a member is called to order for words spoken in debate, the person calling him or her to order shall repeat the words excepted to, and they shall be taken down in writing at the rostrum.

43.3 No member shall be held to answer or be subject to the censure of the House for any words spoken in debate if any other member has spoken or other business had intervened after the words were spoken and before exception to them has been taken.

C. CONCERNING VOTING

44. Right to Have Vote Counted. When the question is stated by the Speaker and the vote is on a call of the yeas and nays, all members within the Chamber shall be counted.

44.1 Notwithstanding any rule or prior interpretation of these rules to the contrary, the Speaker shall, upon the request of any two (2) members prior to the call for a vote, regardless of the question under consideration, cause a permanent public written record of any vote to be made. This record shall include the date, subject matter under consideration, total number of members voting, the identity by name of members and whether they voted in favor, against or were excused from voting. This record shall be recorded in the House Journal and shall be made available to the public and news media. Violations of this rule shall be considered a violation of the public trust.

45. Duty to Vote. Every member who is on the floor of the House when the question is put shall vote, unless excused by the House for special reasons.

45.1 A member must be physically present within the

Chamber to vote.

46. Excuse from Voting. All motions to excuse a member from voting shall be made before the call of the tally of the vote is made. No call of the yeas and nays shall be entertained on a motion to excuse a member from voting. All requests to be excused from voting shall be reduced to writing, including the reasons for the request, and entered upon the Journal. A member who is aware they will be making a request to be excused from voting on a matter shall not engage in floor debate except on the issue of the request. The Speaker shall recognize all requests to be excused from the rostrum before the vote.

47. Conflict of Interest. Any member who is **immediately and particularly interested has a direct personal or pecuniary interest** in the result on any question shall ask to be excused and shall not vote on that question, **except on budget or general revenue bills as permitted by Rule 169**. Any member requesting to be excused from voting may make a brief statement of the reasons for making such request, and the question then shall be taken without further debate.

48. Refusal to Vote. The refusal to vote by a member who is present and has not been excused from voting is a high breach of decorum and subjects the person so offending to a fine, censure or such other penalty as the House may order.

49. Absent Members.

49.1 A member who is absent from the House without excuse may, by order of the members present, be sent for and taken into custody wherever found by the Doorkeeper or other person appointed for that purpose.

49.2 When a member is discharged from custody and admitted to the House, the remaining members shall determine whether a fine, censure or other penalty should be imposed. The House shall determine whether a delinquent member, taken into custody, shall pay the expenses incurred.

50. Voting for Another.

50.1 No member shall vote for another member. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine.

50.2 No person not a member may cast a vote for a member. If a person not a member votes or attempts to vote for a member, that person shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House deems proper.

51. Voting After the Machine is Closed. Except as provided in Rule 75, no member may vote or change a vote after the Speaker announces that the machine is closed for the recording of the vote.

PART V. STANDING COMMITTEES AND SUBCOMMITTEES

52. Standing Committees. The following shall be the standing committees:

Agriculture and Rural Development
Commerce, Small Business and Economic Development
Courts and Criminal Code
Education
Elections and Apportionment
Employment, Labor and Pensions
Environmental Affairs
Family, Children and Human Affairs
Financial Institutions
Government and Regulatory Reform
Insurance
Judiciary
Local Government

Natural Resources

Public Health

Public Policy

Roads and Transportation

Rules and Legislative Procedures

Select Committee on Government Reduction

Utilities, Energy and Telecommunications

Veterans Affairs and Public Safety

Ways and Means

53. Membership.

53.1 Except as otherwise provided, all standing committees shall consist of not less than three nor more than fifteen members, except at the discretion of the Speaker of the House.

53.2 The Committee on Ways and Means shall include at least one member from each congressional district and two members of the Budget Committee.

53.3 The Committee on Elections and Apportionment shall be composed of at least one member from each congressional district.

54. Proportional Representation. Insofar as feasible and practical, the membership of the standing committees shall be made proportionate to representation of parties in the House.

55. Appointment and Term. The standing committees shall be appointed by the Speaker not later than ten (10) days after the election of officers, and shall be recorded in the Journal. The members of the standing committees shall serve for the term of the General Assembly unless removed, suspended or unable to serve.

56. Duties. It is the duty of the several standing committees to examine into and report upon all matters that may be referred to them, either by bill or otherwise. The committee to which a simple or concurrent resolution shall have been assigned may report thereon only without amendment.

56.1 Officers of the Committee. Each committee shall have a chair and vice chair appointed by the Speaker and a ranking minority member appointed by the minority floor leader.

56.2 Duties of the Chair. The chair, or in absence of the chair, the designee of the chair shall preside over committee meetings and be responsible for the decorum and conduct of the meetings.

56.3 Duties of the Members of the Committee. A majority of committee members must be physically present when establishing a quorum and when voting.

57. Time of Meeting. No committee may sit while the House is in session without the consent of the Speaker.

58. Right of Authors and Sponsors. Any member of the House, having any petitions, memorials, remonstrance, resolution, bill or other matter of which he is the author, coauthor, sponsor or cosponsor, may meet with and act as a member of the committee during the time the committee has such subject under consideration. He may participate in debate, but he may not make or second motions or vote unless he is a regular member of the committee.

59. Notice of Meetings.

59.1 Every member of the House shall be given written or electronic notice of all committee meetings at the choice of each member. Each member shall notify the Principal Clerk regarding the member's preference. The notice shall also be posted and made available to the public. The notice shall include the date, time and place of the meeting and the number, subject matter and author of each bill or resolution to be considered together with such information concerning the subject matter as the committee chair shall determine.

59.2 When the House is out of session more than three (3) calendar days, the notice required to be given to members may be given electronically and by

depositing a copy of the notice in the United States mail at least five (5) days before the meeting.

60. **Announcement of Meetings.** The chair of each committee shall have all committee and subcommittee meetings announced from the floor of the House. At such time the number and subject matter of each bill to be considered at the meeting shall be announced. With the exception of hearings on the budget bills, such announcements shall be made for all committee meetings prior to adjournment on the meeting day next preceding the meeting; however, when the House is out of session three (3) or more calendar days, such meetings need not be announced from the floor of the House.

61. **Open Meetings.** All standing committee and subcommittee meetings shall be open to the public, and citizens shall have the right to be heard. To the extent feasible, meetings will be held at times and places convenient to the public.

62. **Quorum.** For a committee to establish a quorum, a majority of members appointed to the committee must be physically present in person. No vote may be taken or recorded without a quorum; however, a committee may take testimony without a quorum.

63. **Voting for Another.** No member of a committee may vote for another member, nor may any person not a member of the committee cast a vote for a member.

63.5. **Proxy Voting.** No proxy votes are ever in order.

64. **No Secret Ballot.** Voting by secret ballot is prohibited.

65. **Record of Voting.** When a final vote is taken on any bill or resolution under consideration by a committee or subcommittee the vote of each member shall be recorded and retained as part of the record of the meeting. Records of such votes shall be made available for examination.

66. **Change of Vote.** No recorded vote of a member on any bill or resolution may be changed except upon adoption of a motion to do so during a committee session at which there is a quorum.

67. **Committee on Rules and Legislative Procedures—Duties.** If in checking printed bills and the daily Journal, the Committee on Rules and Legislative Procedures ascertains any error, including spelling or technical errors, the error shall be corrected under its direction. A record of such errors and the corrections shall be entered in the Journal.

68. **Committee on Rules and Legislative Procedures—Meetings.** It is in order for the Committee on Rules and Legislative Procedures to meet any time, and to report at any time when no question is before the House.

PART VI. VOTING PROCEDURE

69. **Voting Machine.** The voting machine may be used in voting on any question.

70. **When Voting Machine Not Operating.** In the event the voting machine is not operating, the names of the members shall be called alphabetically, the name of the Speaker being called last. After the roll has been gone through, the reading clerk shall first read over the names of those who have answered in the affirmative, and then the names of those who have answered in the negative, in order that, if any mistake has been made in noting the answer, or if any member has made a mistake in giving an answer, the mistake of either may be corrected.

71. **During the Vote.** After a vote on the question has been ordered, no debate and no motion, including a motion to adjourn, or a point of personal privilege, shall be in order until the vote is completed.

72. **Bringing the Question to a Vote.**

72.1 When the House is ready to vote upon any question requiring a roll call, the Speaker shall announce: "The question is on the passage (designating the matter to be voted upon). All in favor of such

question shall vote 'aye;' all opposed shall vote 'no.' The House will now proceed to vote."

72.2 When sufficient time has been allowed the members to vote, the Speaker shall announce: "Have all members voted?" and after a short pause the vote shall be tallied.

73. **Explanation of Vote.** The ordering of the previous question shall not prevent a member from explaining his or her vote after the vote is recorded; but no member, under this rule, shall be permitted more than one minute for that purpose.

74. **Announcing the Vote.** When the vote is tallied, the Speaker shall announce the result and the vote tally shall be recorded in the Journal.

75. **Change of Voting Records.** The roll call as recorded on the recording equipment shall not be altered or changed in any manner, by any person, except by a constitutional majority upon written petition setting forth the reasons for the change of the recorded vote. The petition and the action thereon shall be entered in the Journal.

76. **Voting Records.** At the same time the vote is recorded by the recording equipment, an original and not less than three duplicate roll call sheets shall be made showing the vote. One of the duplicates shall be for the use of the news media and one shall be furnished to the Legislative Services Agency.

PART VII. MOTIONS

77. **Absence of Quorum.** When less than a quorum is present no motion may be entertained, except to adjourn or compel the attendance of members.

78. **Form.** Every motion, except a motion for the previous question, or calling or excusing absentees, shall be in writing or reduced to writing immediately after introduction.

79. **Second.** When a motion is made it must be seconded before it may be debated after which it is in possession of the House; but, it may be withdrawn at any time before a decision or amendment.

80. **Germane.** No motion or proposition on a subject not germane to that under consideration shall be admitted under color of an amendment.

81. **Division of a Question.** Any member may call for the division of a question before or after the main question is ordered. The question shall be divided, if it contains propositions in substance so distinct that if one were taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

82. **Fix a Time of the Next Meeting.** A motion to fix a time to which the House shall adjourn is in order at any time, except as provided in Rule 71, and is debatable unless made while another question is pending, in which case it is undebatable.

83. **Suspend Rule Requiring Reading on Three Separate Meeting Days.** A motion to suspend the constitutional rule requiring a bill to be read on three separate meeting days must be carried by two-thirds vote of the members of the House. (Constitution, Article 4, Section 18.)

84. **Recommit.** After a bill has been reported to the House, it may be recommitted to the same or another committee with or without recommendation by a majority vote and shall be recommitted by the Speaker to the Committee on Ways and Means in accordance with Rule 127.

85. **Call Back to the House from Committee.** A bill may not be called back to the House from committee.

86. **Precedence of Motions When Question Under Debate.** When a question is under debate, only the following motions may be received:

1. to adjourn,
2. to lay on the table,
3. for the previous question,
4. to postpone to a day certain,
5. to postpone indefinitely,
6. to commit or recommit, or
7. to amend.

These motions have precedence in the order that they are listed.

87. Adjourn. A motion to adjourn shall be decided without debate and is always in order, except as provided in Rule 71 or while another member is speaking.

88. Table. A motion to lay on the table is undebatable and is always in order, except as provided in Rule 71 or while another member is speaking.

89. Previous Question.

89.1 On the previous question there shall be no debate.

89.2 All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

90. Postpone to a Day Certain or Commit. A motion to postpone to a meeting day certain or to commit, being decided, shall not again be allowed on the same day, at the same stage of the bill or proposition.

91. Precedence of Certain Motions. Motions to postpone to a meeting day certain, to commit or amend may be amended and have precedence in the order named in Rule 86.

92. Effect of Indefinite Postponement or Tabling. When a question is postponed indefinitely, or when a motion to reconsider has been laid upon the table, neither such question nor any bill, resolution, conference committee report or amendment on the same subject matter shall be considered again during the session. However, the indefinite postponement of or tabling of a motion to reconsider action on a House bill shall not prevent later consideration of or action upon a Senate bill on the same subject matter.

93. Reconsider—Tie Vote. In all cases of equal division the question is not lost and may be reconsidered upon motion by any member.

94. Reconsider.

94.1 When a question has been decided either in the affirmative or negative, except as provided in Rules 92 and 154, it is in order for any member having voted with the majority to move for the reconsideration thereof, on the same or the succeeding meeting day. The motion takes precedence over all other questions, except a motion to adjourn, and may not be withdrawn after that succeeding day without the consent of a majority.

94.2 When a motion is pending for the reconsideration of any question, any member of the House may call up the motion for the action of the House when it has been pending for twenty-four (24) hours. All such motions shall take precedence over all questions except a conference committee report or motion to adjourn; however, if such motion is made after April 14 of the first regular session or after March 7 of the second regular session, it shall be disposed of when made.

PART VIII. LEGISLATIVE PROCEDURE

A. FORM OF BILLS AND RESOLUTIONS

95. Digest. A brief digest stating the nature of the proposed bill shall be attached to each copy of the bill when filed for introduction.

96. Title. Every bill shall contain a title that expresses in concise terms the subject matter of the bill, in sufficient detail to acquaint the members of the House with the general subject

matter under consideration.

97. Identification of Law to be Amended. Every amendatory bill shall identify the original act or code as last amended, and the sections amended shall be set forth and published at full length. The identification required by this rule shall be made by citation reference.

98. Emphasize Amendments.

98.1 When a bill proposes to amend the Constitution, or any statute or section thereof, the author shall indicate the new matter by use of bold face type; if any matter has been deleted, the deleted material shall be set out in cancelled type.

98.2 Capitalization, organization or punctuation changes made solely for the purpose of uniform style need not be indicated.

99. Form. Every bill or resolution of the House shall be written on full sheets of paper. All bills and resolutions shall be typewritten or printed, having no handwritten interlining or defacements of any kind.

100. Original and Copies.

100.1 There shall be one original of each bill prepared for filing, together with such copies as the Speaker shall from time to time determine. The Clerk shall distribute the copies to such persons as the Speaker shall designate with a view towards improving the legislative process and encouraging public awareness of and participation in matters pending before the House. Such distribution shall be made upon release of a bill for committee consideration or upon the date of first reading, whichever is earlier.

100.2 This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures.

101. Authorized Copies. The printing and other contractors shall work under the direction of the Speaker and no bill in the possession of the House shall be printed for any member or other person without the express approval of the Speaker.

102. Release of Information Concerning Printing and Computing.

102.1 Neither the printing nor other contractors, nor any subcontractor shall release information concerning bills, their progress or the work thereon to any person not authorized by the Speaker to receive such information.

102.2 A procedure shall be developed under the direction of the Speaker for informing authors or sponsors about printing of their bills.

B. FILING, INTRODUCTION, FIRST READING, COMMITTEE ASSIGNMENT

103. Time to File. On or after the first meeting day of a regular or special session, any member may file a bill with the Clerk for introduction. Filing shall not be later than 2:00 p.m. the day prior to introduction and first reading.

104. Preconditions for Filing. No member may file a bill for introduction, except the budget bills, unless:

104.1 it has previously been submitted to the Legislative Services Agency for the purpose of checking as to form; and

104.2 the subject matter is clearly set forth both in the title and the body of the bill.

105. Names of Author and Coauthors.

105.1 Every bill filed shall include the name or names of the member or members offering it and shall be delivered in person or by certified mail to the Clerk's office. There may be no more than three (3) coauthors or cosponsors of a bill.

105.2 This rule does not apply to bills filed for the Committee on Rules and Legislative Procedures under Rule 106. The Committee on Rules and Legislative Procedures shall be considered the author

of such bills at the time of filing.

106. Vehicle Bills.

106.1 On the fifth meeting day in January, twenty-five (25) bills shall be filed in the name of the Committee on Rules and Legislative Procedures. Rule 104 and the time limits of Rule 112 do not apply to such bills.

106.2 Any amendment to a vehicle bill shall be filed by the author of the vehicle bill with the Clerk at least twenty-four (24) hours before the amendment is presented in a committee meeting and distributed in the same manner as amendments are distributed under Rule 117.1.

107. Deadline for Filing.

107.1 During the first regular session of any term of the General Assembly, no bill may be filed for introduction later than 2:00 p.m. on the fourth meeting day in January without the consent of a two-thirds majority of the members elected.

107.2 During the second regular session of any term of the General Assembly, no bill may be filed for introduction later than 2:00 p.m. on the fourth meeting day in January without consent of a two-thirds majority.

107.3 This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures under Rule 106.

108. Bill Limit.

108.1 During the first regular session, each member shall be permitted to file for introduction no more than ten (10) bills.

108.2 During the second regular session, each member shall be permitted to file for introduction no more than five (5) bills.

108.3 This rule does not apply to bills filed in the name of the Committee on Rules and Legislative Procedures under Rule 106.

109. Numbering. The Clerk shall date and number each bill consecutively in the order received, commencing with the number 1001, and joint resolutions consecutively, commencing with the number 1. The number a bill takes when introduced by a member is only for convenience in filing and for reference; it is no part of the bill or act itself.

110. Withdrawal. Any bill may be withdrawn prior to first reading by the author upon written request to the Clerk and the records shall show such bill as having been withdrawn.

110.1 Any house resolution or house concurrent resolution may be withdrawn by the author upon written request to the Clerk and the records shall show such house resolution or house concurrent resolution as having been withdrawn.

111. Effect of Loss of Author. A bill filed by a member whose office becomes vacant before the bill is first read shall be introduced and read a first time in the name of the first named coauthor. If there is no coauthor, the records shall show that the bill was withdrawn before first reading.

112. Referral to Committee. The Speaker shall refer each bill to a committee within ten (10) calendar days after filing unless committees have not been appointed, in which case they shall be referred within ten (10) calendar days after the appointment of the committees. The Speaker shall cause the committee referral to be indicated on the list of bills filed, and cause the list to be distributed to the members.

113. Bill List. Bills and resolutions filed on the first meeting day or during recess after the first meeting day may be assigned and released by the Speaker to a standing committee for consideration and will be introduced the first or a subsequent day on which the House is convened.

114. Claims Against the State. All claims against the State which must be first presented in the House shall be referred to

the Committee on Ways and Means before being referred to any other committee.

115. Introduction and First Reading. The reading of each bill by number, title and author and committee reference shall be the introduction and first reading. The first reading of a bill is for information.

116. Rejection or Assignment to Committee. If a member objects to a bill on first reading the question shall be: "Shall the bill be rejected?" If the question to reject is defeated, the bill shall be referred to a committee.

C. AMENDMENTS

117. Filing.

117.1 Copies. There shall be made one copy on the House computer network in a format specified by the Speaker and one original and that number of additional paper copies specified of all amendments and committee reports. The copies shall be distributed to those persons as the Speaker shall designate with a view towards improving the legislative process and encouraging public awareness of and participation in matters pending before the House.

117.2 Floor Amendments to Bills. No amendment may be offered to a bill on second reading unless such amendment shall have been reduced to writing, saved in a computer format specified by the Speaker, filed with the Clerk and time-stamped at least two (2) hours prior to the convening of the session on the day on which the bill is called for second reading. A paper copy of each timely filed amendment shall be distributed to all members as soon as practicable and made available on the House computer network as soon as practicable.

118. Substituting Another Bill. No bill may be amended by annexing to it or incorporating with it any other bill pending before the House.

119. Substituting Different Subject Matter—House Bill.

119.1 No amendment proposed to a House bill substituting therein a different subject matter may be accepted, unless accompanied by the written consent of its author and coauthors.

119.2 The House shall reject all House bills that have been amended in the Senate by substituting therein the contents of a different bill or a different subject matter without having first received the written consent of its author and coauthors.

120. Substituting Different Subject Matter—Senate Bill. No House amendment proposed to a Senate bill substituting therein the contents of a different bill or a different subject matter may be accepted unless it is accompanied by the written consent of the author, coauthors, sponsor and cosponsors.

121. Effect of Tabling. If a motion to lay proposed amendments on the table prevails, it shall not affect the general subject to which the amendments are offered.

122. Appended to Bill. The text of all committee and floor amendments to a bill shall be appended to each printing of that bill, unless otherwise ordered by the House.

D. COMMITTEE MEETINGS, CONSIDERATIONS, REPORTS

123. Record of Committee Vote. The vote of the committee shall be placed on the bill.

124. Approval of Digest. When a bill is reported out of committee, it shall be submitted to the Legislative Services Agency for approval or revision of the digest, as appropriate.

125. Committee Reports. A committee to which a bill has been referred may report thereon with or without amendments.

126. Effect of Motion to Postpone or Table. If a majority of

the committee members present at a committee meeting vote to table or to postpone a bill indefinitely, the decision of the committee shall not be reported to the House.

127. House Action on Committee Reports. The report, with amendments, if any, shall be acted upon by the House upon its submission. Any bill with an annual fiscal impact to the State in excess of \$50,000 may be referred by the Speaker to and reported by the Committee on Ways and Means before it is eligible for second reading. Any bill which adds an additional or enhanced criminal penalty may be referred by the Speaker to and reported by the Committee on Courts and Criminal Code before it is eligible for second reading.

128. Minority Reports. Any member of a committee reporting who voted against adoption of the committee report may submit a separate report which shall be filed with the committee report and shall be a minority report. In the event a minority report is submitted, the report adopted by the recorded vote of a majority of the committee members present at a duly constituted meeting of the committee shall be the majority report. A minority report duly filed with the Clerk for action by the House shall be voted upon before the majority report and, upon adoption, becomes the committee report. If the minority report is rejected, the House shall then act upon the majority report.

129. First Printing—Form. Every bill reported favorably by a committee, and other bills as directed by the House, shall be printed for the first time in bill form with the pages and lines numbered.

130. First Printing—Laid on Desks. After a bill is printed for the first time it shall be laid upon the desks of the members and shall be made available on the House computer network as soon as practicable.

131. Emphasize Amendments.

131.1 Whenever a bill proposing to amend the Constitution or any statute is printed, the text of the bill shall reflect each proposed change from the text of the Constitution or statute. This shall be accomplished by the use of bold face type to indicate the addition of new material and cancelled type to indicate the deletion of existing material.

131.2 Capitalization or punctuation changes made solely for the purpose of uniform style need not be indicated.

132. Type Face. No special type faces shall be used in the printed bill to indicate the occurrence of committee or floor amendments; instead, except as provided in Rule 131 the printing shall set forth the clean text of the bill as it appears after the committee and floor amendments have been implemented.

E. SECOND READING

141. Calendar of Bills. The Speaker shall, insofar as is practical, make up a daily calendar of all bills and resolutions which are due to be handed down for action either on second or third reading on the next meeting day. The calendar shall be laid upon the desks of the members as soon as practicable after adjournment, promptly posted in the hall, and made available on the House computer network.

142. Eligibility. A bill is eligible for its second reading on the second calendar day following distribution to the members.

143. Calling Down on Second Reading. When the time for second readings arrives, each member who is an author or sponsor of a bill shall be entitled to call down a bill for consideration by the House if the bill has been calendared by the Speaker for that day. A coauthor or cosponsor may call down a bill with the written consent of the author or sponsor. When the bill is called, the Speaker shall hand down the bill to be read and then state that the bill is ready for amendment, recommitment or engrossment.

143.1 If a bill is eligible for second reading and no amendments to the bill have been filed pursuant

to Rule 117.2, the Speaker may, upon the request of the author and with consent of the members, immediately move the bill to engrossment.

144. Engrossment—Reprinting. All bills ordered to be engrossed shall be executed in typewritten or printed form and made available on the House computer network. Whenever a bill is amended on second reading, it shall be reprinted, unless at the discretion of the Speaker or by motion adopted, it is otherwise ordered. If the bill is reprinted, the reprinted bill shall be used for the engrossed bill, and if the bill is not reprinted the amendments shall be engrossed to the bill.

145. Engrossment—Supervision. Bills when ordered to engrossment shall be engrossed under the direction of the Speaker and the Committee on Rules and Legislative Procedures. It is the duty of the Committee on Rules and Legislative Procedures to carefully compare the engrossed bills with the original bills and ascertain whether they have in all respects been accurately and correctly engrossed; if that committee ascertains any mistake, it shall be corrected under the committee's direction.

F. THIRD READING

146. Eligibility.

146.1 No bill shall be considered on third reading on the same meeting day that it passed to engrossment except on motion adopted pursuant to Rule 83.

146.2 The Speaker shall make a daily calendar of bills eligible for third reading.

146.3 When the time for third reading arrives, each member who is an author or sponsor of a bill shall be entitled to call down a bill for consideration by the House. A coauthor or cosponsor may call down a bill with the written consent of the author or sponsor. When the bill is called, the Speaker shall hand down the bill, state that it is on its passage and allow the author or sponsor to begin the debate.

147. Deadline for House Bills.

147.1 During the first regular session, no House bill shall be eligible for consideration on third reading after February 25.

147.2 During the second regular session, no House bill shall be eligible for consideration on third reading after February 3.

147.3 Upon recommendation of the Committee on Rules and Legislative Procedures, this rule may be suspended as to a specific bill by the approval of a constitutional majority.

148. Deadline for Senate Bills.

148.1 During the first regular session, no Senate bill shall be eligible for consideration on third reading after April 15.

148.2 During the second regular session, no Senate bill shall be eligible for consideration on third reading after March 3.

148.3 Upon recommendation of the Committee on Rules and Legislative Procedures, this rule may be suspended as to a specific bill by the approval of a constitutional majority.

148.4 No Senate bill or joint resolution amending the Constitution shall be received by the House after February 26 in the first session or February 4 in the second session.

148.5 The limitations set forth in this rule shall not apply to bills concerning reapportionment or redistricting only.

149. Amendments. After a bill has been engrossed and ordered to third reading, it may not be amended except by unanimous consent. Thereafter upon motion of the author or sponsor, it may be recommitted to a committee of one with

special instructions to amend by a two-thirds vote. In case any bill is amended after engrossment, the question may again be put on the engrossment of the bill.

149.1. No bill shall be eligible for third reading that specifically exempts the House, its members, staff and employees from laws applicable to the public at large.

150. Right to Close. The author or sponsor of a bill has a right to fifteen (15) minutes of time to close the debate upon it when it has reached its third reading. The right secured by this rule shall not be impaired, even after a demand for the previous question.

151. Final Passage—Majority but Not a Constitutional Majority. When a bill on its final passage receives a majority of the votes cast, but not a constitutional majority, the bill shall not be considered lost. When the third reading of the bill is in order any member who voted with the majority or who did not vote at all may, by motion adopted by a majority vote, reconsider the bill; and the House shall take another vote thereon. Any number of votes may be taken in such cases by the House.

152. Final Passage—Tie Vote. When a bill on its final passage receives the same number of votes cast against it as for it, the bill shall not be considered lost; it may, when the third reading of bills is in order, be reconsidered upon the motion of any member.

153. Final Passage—More (But Less Than 51) Votes Against Than For. When a bill on its final passage receives more votes against than for it, but less than a constitutional majority, it may be considered under the provisions of Rule 94.

154. Final Passage—51 or More Votes Against.

154.1 Whenever a bill on its passage receives fifty-one (51) votes or more against its passage, the bill, as well as the subject matter of the bill, is decisively defeated, and neither the question nor any bill, conference committee report, or amendment on the same subject matter may be considered again during the session. However, the decisive defeat of a House bill does not prevent later consideration of or action upon a Senate bill on the same subject matter.

154.2 This rule does not apply to budget bills or state revenue raising measures.

155. Record of Vote on Final Passage. The vote on final passage shall be placed on the bill and entered in the House computer network.

G. CONCURRENCES, DISSENTS AND CONFERENCE COMMITTEES

156. Motions.

156.1 Motions to concur or dissent may be filed by the author, or by the first coauthor with written consent of the author. Such motions shall be prepared by the House attorney's offices, filed with the Principal Clerk, reproduced and distributed to the Representatives.

156.2 A motion to concur shall not be acted upon until such motion has been filed with the Principal Clerk and distributed to the Representatives at least two (2) hours before action is taken thereon.

156.3 A motion to dissent is eligible for a vote by the members of the House immediately after being filed with the Principal Clerk.

156.4 Motions to concur in Senate amendments shall be rejected unless approved by a constitutional majority of the members elected and such majority shall be established by a roll call vote.

157. Establishing Conference Committees.

157.1 If a motion is filed to dissent in Senate amendments to a House bill, the author may request that the Speaker appoint a conference committee, and if the Senate dissents in House amendments to a Senate

bill, the President Pro Tempore may request by the appointment of Senate conferees that the Speaker appoint a conference committee.

157.2 The House conference committee consists of two Representatives appointed by the Speaker, with the first listed Representative being the chair. Advisors may be appointed at any time by the Speaker.

157.3 House conferees may be appointed or removed at any time by the Speaker, and the changes shall be posted on the House bulletin board located outside the hall and announced by the Speaker from the rostrum. The office of the House majority attorney and the House minority attorney shall be advised of conferee changes at the time of posting to the bulletin board.

158. Meetings.

158.1 Each conference committee on House bills shall be open to the public, shall be held in the State House and shall convene only after at least two hours public notice. The notice shall include:

- (a) the bill number and subject matter of the bill or bills to be considered;
- (b) the time, day, date, and place of meeting;
- (c) the members of the conference committee; and
- (d) the chair of the conference committee.

158.2 It is the responsibility of the chair of the conference committee to advise the office of the Principal Clerk and the office of the Majority Caucus Chair of the holding of a conference committee meeting and to provide those offices with the information set forth in paragraph 158.1.

158.3 Notice of conference committee meetings including all information set forth in paragraph 158.1 shall be posted prominently on the House bulletin board located outside the hall for no less than two hours before the meeting.

159. Filing of Reports. No conference committee report shall be referred to the House until it has been signed by the four appointed conferees and approved as to form by the House majority attorney and filed with the Principal Clerk. The House minority attorney shall promptly receive a copy of the conference committee report after it has been approved by the House majority attorney.

160. Amended Digest. When a conference committee report is filed, an amended digest indicating the changes made shall also be filed.

161. Deadline.

161.1 In the first regular session, no conference committee report is eligible for consideration after April 15.

161.2 In the second regular session, no conference committee report is eligible for consideration after March 3.

161.3 Upon recommendation of the Committee on Rules and Legislative Procedures, this rule may be suspended as to a specific bill by the approval of a constitutional majority.

162. Placed on Members' Desks. All reports of conference committees for adjustment of differences between the House and Senate together with a digest of the bill shall be filed with the Principal Clerk, reproduced, placed on each member's desk, and made available on the House computer network as soon as practicable.

163. Time on Members' Desks.

163.1 During the first regular session, conference committee reports shall be laid over for twenty-four (24) hours after filing.

163.2 During the first regular session, the budget bill shall be laid over for twenty-four (24) hours after filing. This rule may not be suspended without a two-thirds (2/3) vote of the members of the House.

163.3 During the second regular session, such reports shall be laid over for twenty-four (24) hours after filing.

163.4 Such reports shall then be placed before the House for action.

H. ENROLLMENT

164. Copy Furnished to Author. A copy of each enrolled act shall be furnished to the author of the act at the time he signs it to certify its accuracy.

PART IX. LEGISLATIVE CODE OF ETHICS

165. The House of Representatives finds that high moral and ethical standards among members of the House of Representatives are essential to assure the trust, respect, and confidence of all Hoosiers in the Indiana General Assembly. The House of Representatives believes that a code of ethics for the guidance of members will help them avoid conflicts of interest between their personal interests and livelihood and their public responsibilities.

The House of Representatives recognizes that service in the Indiana General Assembly is a part-time endeavor, that members are individuals who are active in the affairs of their communities, and that it is necessary and proper that they maintain a livelihood and sources of income apart from their legislative compensation. In recognition of a member's responsibilities to family, occupation and the citizens of this great state, and in response to IC 2-2.1-3-6, the House of Representatives adopts the following code of ethics.

166. Every candidate for election to the House of Representatives shall campaign and, if elected, shall serve with a personal commitment to integrity and dedicated public service focused on the best interest of the citizens of the state.

167. Every candidate for election to the House of Representatives shall accurately disclose his or her occupational, business, professional, and other financial interests as required by applicable law.

168. Every member of the House of Representatives shall, to the best of his or her ability, be fully objective when considering a proposition upon which he or she must act, keeping the welfare and best interests of the citizens of the state in mind at all times. Every member shall, to the best of his or her ability, conduct official duties in a manner that avoids the appearance of impropriety and bolsters public trust.

169. A member who knowingly has a direct personal or pecuniary interest in a legislative matter is precluded from authoring, sponsoring, or voting on the matter and should avoid public or private advocacy in furtherance of their own self-interest. The preclusion on voting shall not apply to budget or general revenue bills, but in such event, the member shall publicly disclose their interest. Nothing contained in this rule precludes a member from sharing their knowledge and expertise in a manner which does not advocate a particular outcome in a legislative matter.

Any member not voting under this rule shall be considered present for the purpose of determining a quorum. If a significant number of members are so affected, the House of Representatives or a committee thereof, as the case may be, may, by a vote of two-thirds of those voting, permit such members to vote.

170. Any member traveling to a legislative conference or meeting at state expense shall attend a substantial number of meetings and official functions.

171. No member shall host an event which seeks to raise campaign contributions for the election or reelection of any member to the General Assembly during the period beginning on organization day for the first regular session of the General Assembly and ending on the next April 29.

172. A member, the member's candidate committee and regular party committee organized by a legislative caucus of the House of Representatives of the General Assembly shall not, for the election or reelection of any member to the General Assembly, solicit campaign contributions, accept campaign contributions, or conduct other fundraising activities during the period from one day before through the day after the day in November of each year that the General Assembly convenes.

173. Pursuant to IC 2-2.1-3-9.5, no member shall accept honoraria during his term of office. Payment or reimbursement of expenses actually incurred shall be allowed.

174. The Chairman or Ranking Minority Member of the ethics committee of the House of Representatives may receive and the ethics committee may act upon:

(1) a request from any member of the House of Representatives for a ruling by the ethics committee regarding the existence of a conflict of interest for the member and the recommended resolution of the same; and

(2) a complaint from any person alleging misconduct, a violation of state law, or a violation of this code of ethics by a member.

Any request or complaint shall be reduced to writing and signed by the person making the request or complaint. The ethics committee may, at the call of the Chairman, meet in public or executive session to consider the matter and make any rulings or recommendations.

Upon request of the Speaker he ordered the roll of the House to be called. Roll Call 63: yeas 97, nays 0. Report adopted.

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

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1045

Representative Morrison called down Engrossed House Bill 1045 for third reading:

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

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

Roll Call 64: yeas 80, nays 16. 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. Senate sponsor: Senator Ford.

Engrossed House Bill 1140

Representative Richardson called down Engrossed House Bill 1140 for third reading:

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

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

Roll Call 65: 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. Senate sponsor: Senator Walker.

Engrossed House Bill 1183

Representative Davison called down Engrossed House Bill 1183 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 66: 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. Senate sponsors: Senators Pat Miller, Grooms and Charbonneau.

Engrossed House Bill 1185

Representative Bauer called down Engrossed House Bill 1185 for third reading:

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

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

Roll Call 67: yeas 97, 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. Senate sponsors: Senators Charbonneau, Stoops, Bassler and Tallian.

Engrossed House Bill 1278

Representative Lehman called down Engrossed House Bill 1278 for third reading:

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

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

Roll Call 68: 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. Senate sponsor: Senator Yoder.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:55 p.m. with the Speaker in the Chair.

HOUSE BILLS ON SECOND READING

House Bill 1104

Representative Lehman called down House Bill 1104 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1104-4)

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

Page 9, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 10. IC 5-11-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The state examiner shall appoint assistants not exceeding the number required to administer this article. The assistants are to be known as "field examiners" and are at all times subject to the order and direction of the state examiner. Field examiners shall inspect and examine accounts of all state agencies, municipalities, and other governmental units, entities, or instrumentalities.

(b) The state examiner may engage or, **in accordance with section 24 of this chapter**, allow the engagement of private examiners to the extent the state examiner determines necessary to satisfy the requirements of this article. These examiners are subject to the direction of the state examiner while performing examinations under this article.

(c) The state examiner may engage experts to assist the state board of accounts in carrying out its responsibilities under this article."

Page 11, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 11. IC 5-11-1-16, AS AMENDED BY P.L.104-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) As used in this article, "municipality" means any county, township, city, town, school corporation, special taxing district, or other political subdivision of Indiana.

(b) As used in this article, "state" means any board, commission, department, division, bureau, committee, agency, governmental subdivision, military body, authority, or other instrumentality of the state, but does not include a municipality.

(c) As used in this article, "public office" means the office of any and every individual who for or on behalf of the state or any municipality or any public hospital holds, receives, disburses, or keeps the accounts of the receipts and disbursements of any public funds.

(d) As used in this article, "public officer" means any individual who holds, receives, disburses, or is required by law to keep any account of public funds or other funds for which the individual is accountable by virtue of the individual's public office.

(e) As used in this article, "entity" means any provider of goods, services, or other benefits that is:

- (1) maintained in whole or in part at public expense; or
- (2) supported in whole or in part by appropriations or public funds or by taxation.

The term does not include the state or a municipality (as defined in this section).

(f) As used in this article, a "public hospital" means either of the following:

- (1) An institution licensed under IC 16-21 and which is owned by the state or an agency of the state or one which is a municipal corporation. A hospital is a municipal corporation if its governing board members are appointed by elected officials of a municipality.
- (2) A state institution (as defined in IC 12-7-2-184).

(g) As used in this article, "audit committee" refers to the audit and financial reporting subcommittee of the legislative council established by IC 2-5-1.1-6.3.

(h) As used in this article, "audited entity" has the meaning set forth in IC 2-5-1.1-6.3.

SECTION 12. IC 5-11-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) The state board of accounts shall establish in writing uniform compliance guidelines for the examinations and reports required by this chapter. The uniform compliance guidelines must include the standards that an entity must observe to avoid a finding that is critical of the **audited** entity for a reason other than the **audited** entity's failure to comply with a specific law.

(b) The state board of accounts may not establish guidelines for the auditing of an **audited** entity that are inconsistent with any federal audit guidelines that govern the **audited** entity.

(c) The state board of accounts must distribute the uniform compliance guidelines to each **audited** entity that the state board of accounts may audit.

(d) If the state board of accounts engages or authorizes the engagement of a private examiner to perform an examination under this chapter, the examination and report must comply with the uniform compliance guidelines established under subsection (a). If a person subject to examination under this chapter engages a private examiner, the contract with the private examiner must require the examination and report to comply with the uniform compliance guidelines established under subsection (a).

(e) ~~The state or a municipality~~ **An audited entity** may not request proposals for performing examinations of an **audited** entity ~~that is subject to examination under this chapter~~ unless the request for proposals has been submitted to and approved by

the state board of accounts.

(f) The state or a municipality, may not enter into a contract with an entity subject to examination under this chapter if the contract does not permit the examinations and require the reports prescribed by this chapter.

SECTION 13. IC 5-11-1-24.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24.4. (a) This section applies only to an audited entity (excluding a school corporation) that has:

- (1) an internal control officer; and
- (2) an internal control department;

established by the legislative body of the audited entity.

(b) An audited entity may request in writing that the state board of accounts authorize the audited entity to:

- (1) opt out of examinations by the state board of accounts; and
- (2) engage a certified public accountant to conduct the examinations.

The request must be approved by resolution adopted by the legislative body for the audited entity.

(c) The state board of accounts shall, not more than sixty (60) days after receiving a written request under subsection (b):

- (1) acknowledge receipt of the request; and
- (2) notify the requesting audited entity that the request is:
 - (A) approved; or
 - (B) disapproved.

(d) The state board of accounts shall approve a request under subsection (b) by an audited entity if the state examiner determines that:

- (1) the audited entity filed the written request under subsection (b) with the state board of accounts more than one hundred eighty (180) days before the beginning of the audited entity's fiscal year;
- (2) the audited entity selects the certified public accountant in accordance with the selection procedure under this section;
- (3) the certified public accountant selected by the audited entity is:
 - (A) licensed in Indiana; and
 - (B) qualified to conduct examinations in accordance with the government auditing standards adopted by the state board of accounts;
- (4) the certified public accountant's examination shall:
 - (A) be conducted in accordance with the guidelines established by the state board of accounts; and
 - (B) make findings regarding the audited entity's compliance with the uniform compliance guidelines established by the state board of accounts;
- (5) the certified public accountant's examination is paid for by the audited entity; and
- (6) the certified public accountant's examination of the audited entity includes:
 - (A) all associated component units;
 - (B) audits required or necessary for federal financial assistance;
 - (C) findings of noncompliance with state law and uniform compliance guidelines as required by IC 5-11-5-1; and
 - (D) a separate report in accordance with the guidelines established by the state board of accounts for any items of noncompliance identified.

(e) The audited entity must use the following selection procedures:

- (1) The legislative body of the audited entity shall establish an audit committee to facilitate the selection of a certified public accountant. The audit committee shall be composed of the following three (3) members appointed by the legislative body:
 - (A) One (1) member of the legislative body.

(B) One (1) certified public accountant who is not the fiscal officer or an employee of the audited entity.

(C) One (1) person who is qualified due to an involvement with financial matters who is not the fiscal officer or an employee of the audited entity.

Each member shall be appointed for a three (3) year term and shall serve without compensation. However, a member appointed under subdivision (1)(A) who ceases to hold the office of legislative body member ceases to be a member of the audit committee. A member may not have a contractual relationship, financial interest, or political affiliation with the certified public accountant selected.

(2) The audit committee established under subdivision (1) shall do the following:

- (A) Establish factors to evaluate the audit services provided by a certified public accountant, including:
 - (i) experience;
 - (ii) ability to perform the required services;
 - (iii) capability to follow the guidelines and standards adopted by the state board of accounts;
 - (iv) ability to timely complete all necessary components of the examination; and
 - (v) any other factors considered necessary by the audit committee.

(B) Publish notice of a request for proposals under IC 5-3-1 that includes:

- (i) a brief description of the audit requirements;
- (ii) a time frame;
- (iii) application procedures;
- (iv) evaluation criteria; and
- (v) any other items considered necessary by the audit committee.

(C) Evaluate the proposals submitted by qualified certified public accountants. If compensation is a factor established under clause (A), it may not be the sole factor used to evaluate proposals.

(D) Rank and recommend in order of preference not fewer than three (3) certified public accountants considered most highly qualified on the factors established under clause (A). If fewer than three (3) certified public accountants respond to the request for proposals, the audit committee shall recommend the remaining qualified certified public accountants in order of preference.

(3) The legislative body of the audited entity shall select a qualified certified public accountant from the list recommended by the audit committee and shall negotiate a contract with the certified public accountant using one (1) of the following methods:

(A) If compensation is a factor established under subdivision (2)(A), the legislative body shall:

- (i) select; or
- (ii) document the reason for not selecting;

the highest-ranked certified public accountant.

(B) If compensation is not a factor established under subdivision (2)(A), the legislative body shall negotiate a contract with the highest-ranked qualified certified public accountant. If unable to negotiate a satisfactory contract with the highest-ranked qualified certified public accountant, the legislative body shall:

- (i) formally terminate negotiations; and
- (ii) negotiate with the second highest-ranked certified public accountant.

Negotiations with the other ranked certified public accountants shall be undertaken in the same manner. The legislative body may reopen formal negotiations with any of the top three (3) ranked certified public accountants but may not negotiate

with more than one (1) certified public accountant at a time.

(C) The legislative body may select a certified public accountant recommended by the audit committee and negotiate a contract using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor.

(D) In negotiations with a certified public accountant, the legislative body may allow a designee, who is not the fiscal officer of the audited entity, to conduct negotiations on its behalf.

(4) If the legislative body is unable to negotiate a satisfactory contract with any of the recommended certified public accountants, the audit committee shall recommend additional certified public accountants, and negotiations shall continue in accordance with this section until an agreement is reached.

(5) The procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall include the following provisions:

(A) Specification of services to be provided and fees or other compensation for the services.

(B) Invoices for fees or other compensation shall be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(C) Specification of the contract period and conditions under which the contract may be terminated or renewed.

(D) The certified public accountant shall perform the examination in accordance with:

(i) the guidelines and standards adopted by the state board of accounts;

(ii) auditing standards generally accepted in the United States; and

(iii) if applicable, government auditing standards, Office of Management and Budget Circular A-133, and any other guidelines required by the industry.

(E) If the certified public accountant discovers or suspects instances of fraud, abuse of public funds, or the commission of a crime, the certified public accountant shall notify the state board of accounts:

(i) immediately; and

(ii) before disclosing the discovery or suspicion to the audited entity.

(F) The certified public accountant shall deliver the completed examination report to the state board of accounts:

(i) at the same time as the audited entity; and

(ii) not later than thirty (30) days after completion of the examination.

The report shall be in a readable format prescribed by the state board of accounts.

(G) All work papers supporting the examination report shall be available for review by the state board of accounts.

(6) If a legislative body of an audited entity renews a written contract with a certified public accountant that was entered into in accordance with this section, the legislative body may renew the contract without complying with the selection procedures in this subsection.

(f) The certified public accountant must deliver the completed examination report to the state board of accounts not later than thirty (30) days after completion of the examination. The state board of accounts shall review the examination report and may:

(1) ask questions of the certified public accountant;

(2) review the examination work papers; and

(3) take any other actions necessary to verify that the guidelines and standards adopted by the state board of accounts have been satisfied.

(g) If the certified public accountant's examination:

(1) satisfies the guidelines and standards adopted by the state board of accounts, the state examiner shall publicly file the examination report under IC 5-11-5-1; or

(2) fails to satisfy the guidelines and standards adopted by the state board of accounts:

(A) the state board of accounts shall perform the audit; and

(B) the audited entity shall reimburse the state board of accounts for the actual and direct cost of performing the examination.

(h) An audited entity that engages a certified public accountant under this section shall reimburse the state board of accounts for all direct and indirect costs incurred by the state board of accounts for any technical assistance and support requested by the audited entity.

(i) An audited entity may terminate the use of a certified public accountant engaged under this section if:

(1) the termination is approved by resolution adopted by the legislative body of the audited entity; and

(2) written notice of the termination is provided to the state board of accounts more than one hundred eighty (180) days before the beginning of the audited entity's fiscal year.

(j) Conducting an examination of an audited entity by a certified public accountant does not prohibit the state board of accounts from conducting a compliance review of the audited entity or an examination under section 9.5 of this chapter on the schedule determined by the state board of accounts."

Page 11, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 11. IC 5-11-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) This section and section 24.4 of this chapter do not limit the application of any law that requires a municipality, a public hospital, another public office or public officer, an entity, or another person or organization to be audited or otherwise examined on an annual or other basis by:

(1) a certified public accountant; or

(2) a person other than the state examiner or the state board of accounts.

(b) Subject to section 9 of this chapter and subsections (c) and (d), the state board of accounts shall conduct examinations of audited entities at the times determined by the state board of accounts, but not less than once every four

(4) years, using risk based examination criteria that are established by the state board of accounts and approved by the audit committee. The risk based examination criteria must include the following risk factors:

(1) An audited entity has a newly elected or appointed fiscal officer.

(2) An audited entity:

(A) has not timely filed; or

(B) has filed a materially incorrect or incomplete; annual financial report required by section 4 of this chapter.

(3) Any other factor determined by the state examiner and approved by the audit committee.

(c) Examinations under this chapter shall must be conducted annually for the following:

(1) The state.

~~(2) Cities;~~

~~(3) Counties;~~

~~(4) Towns with a population greater than five thousand (5,000);~~

~~(5) Public hospitals;~~

(2) An audited entity (other than a school corporation)

that requires an annual audit:

- (A) because of the receipt of federal financial assistance in an amount that subjects the audited entity to an annual federal audit;
- (B) due to continuing disclosure requirements; or
- (C) as a condition of a public bond issuance.

An audited entity shall, under the guidelines established by the state board of accounts, provide notice to the state examiner not later than sixty (60) days after the close of the audited entity's fiscal year that the audited entity is required to have an annual audit under subdivision (2).

(b) Subject to section 9 of this chapter, examinations under this chapter shall be conducted biennially for:

- (1) municipalities; and
- (2) entities;

that are not listed in subsection (a).

(d) As permitted under this section since September 1, 1986 (the effective date of P.L.3-1986, SECTION 16), examinations of school corporations shall be conducted biennially."

Page 12, delete lines 1 through 29, begin a new paragraph and insert:

"SECTION 15. IC 5-11-1-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 28. (a) An audited entity may request that an examination conducted by the state board of accounts be conducted in accordance with generally accepted accounting principles. A request by a public officer must be approved by resolution adopted by the legislative body for the audited entity.**

(b) The state board of accounts shall, not more than sixty (60) days after receiving a request under subsection (a):

- (1) acknowledge receipt of the request; and
- (2) notify the requesting public officer or legislative body that the request is:
 - (A) approved; or
 - (B) disapproved.

(c) The state board of accounts shall approve a request under subsection (a) unless the state examiner determines that:

- (1) the audited entity, under the guidelines established by the state board of accounts, did not request the audit within sixty (60) days after the close of the audited entity's fiscal year;
- (2) the audited entity does not conduct its accounting according to generally accepted accounting principles;
- (3) the audited entity did not maintain the audited entity's financial records during the preceding year on a generally accepted accounting principles basis;
- (4) the annual financial statements and notes to the financial statements are not presented or will not be presented to the state board of accounts for audit on the schedule agreed to by the state examiner; or
- (5) the audited entity does not follow the other guidelines established by the state board of accounts."

Renumber all SECTIONS consecutively.

(Reference is to HB 1104 as printed January 27, 2015.)

LEHMAN

Motion prevailed.

HOUSE MOTION
(Amendment 1104-3)

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

Page 26, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 33. IC 20-40-9-6, AS AMENDED BY P.L.257-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Money in the fund may be used for payment of the following:

- (1) All debt and other obligations arising out of funds borrowed or advanced for school buildings when

purchased from the proceeds of a bond issue for capital construction.

(2) A lease to provide capital construction.

(3) Interest on emergency and temporary loans.

(4) All debt and other obligations arising out of funds borrowed or advanced for the purchase or lease of school buses when purchased or leased from the proceeds of a bond issue, or from money obtained from a loan made under IC 20-27-4-5, for that purpose.

(5) All debt and other obligations arising out of funds borrowed to pay judgments against the school corporation.

(6) All debt and other obligations arising out of funds borrowed to purchase equipment.

(7) All debt and other obligations to:

(A) the state board of accounts; or

(B) an accounting firm that has been certified by the state board of accounts to perform audits on school corporations.

(b) A school corporation may before July 1, 2015, transfer excess money in the fund to the school corporation's transportation fund, if the transfer is approved by the distressed unit appeal board under IC 6-1.1-20.3-8.4."

Renumber all SECTIONS consecutively.

(Reference is to HB 1104 as printed January 27, 2015.)

GOODIN

Motion withdrawn.

HOUSE MOTION
(Amendment 1104-2)

Mr. Speaker: I move that House Bill 1104 be amended to read as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 11.

Page 12, delete lines 1 through 29.

Page 16, delete lines 18 through 42.

Delete pages 17 through 27.

Page 28, delete lines 1 through 26.

Page 29, delete lines 19 through 42.

Delete pages 30 through 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1104 as printed January 27, 2015.)

DELANEY

Motion failed. The bill was ordered engrossed.

House Bill 1108

Representative Burton called down House Bill 1108 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1108-1)

Mr. Speaker: I move that House Bill 1108 be amended to read as follows:

Page 2, line 7, after "approach" insert "**or similar approaches**".

Page 2, line 30, delete "of specific learning disabilities" and insert "**that a student who is not progressing at a normal rate related to reading may need to be referred to the school's multidisciplinary team to determine the student's special learning needs, including learning needs related to dyslexia.**".

Page 2, delete line 31.

(Reference is to HB 1108 as printed January 27, 2015.)

BURTON

Motion prevailed. The bill was ordered engrossed.

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

House Bill 1287

Representative Burton called down House Bill 1287 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1287-2)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 4. IC 23-15-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 11. Registered Office and Agent for Certain Indiana Domiciled Financial Institutions

Sec. 1. As used in this chapter, "eligible entity" has the meaning set forth in IC 28-1-22-1.5.

Sec. 2. (a) An eligible entity may file a notice concerning the eligible entity's:

- (1) registered office; and
- (2) registered agent;

as described in IC 28-1-22-1.5.

(b) A notice filed by an eligible entity under subsection (a) must include the following information with respect to the eligible entity:

- (1) The address of a registered office in Indiana.
- (2) The name of a registered agent, who must be:
 - (A) an individual who resides in Indiana and whose business office is identical with the registered office identified under subdivision (1);
 - (B) a domestic limited liability company, domestic corporation, or nonprofit domestic corporation whose business office is identical with the registered office identified under subdivision (1); or
 - (C) a foreign limited liability company, foreign corporation, or nonprofit foreign corporation authorized to transact business in Indiana and whose business office is identical with the registered office identified under subdivision (1).

(c) In addition to the information set forth in subsection (b), a notice filed by an eligible entity under subsection (a) must include:

- (1) the written consent of the registered agent designated under subsection (b)(2) to the designation; or
- (2) a representation that the registered agent has consented to the designation.

Sec. 3. (a) An eligible entity that files a notice under section 2 of this chapter may change the eligible entity's registered office or registered agent by delivering to the secretary of state for filing a statement of change that includes the following:

- (1) The name of the eligible entity.
- (2) The address of the eligible entity's registered office at the time of filing.
- (3) If the registered office identified under subdivision (2) is to be changed, the address of the new registered office.
- (4) The name of the eligible entity's registered agent at the time of filing.
- (5) If the registered agent identified under subdivision (4) is to be changed, the name of the new registered agent, along with:

- (A) the written consent of the new registered agent to the designation; or
- (B) a representation that the new registered agent has consented to the designation.

The written consent described in clause (A) or the representation described in clause (B) may be incorporated into the statement of change filed under this section or filed along with the statement of change as an attachment.

(6) A statement indicating that after the identified changes to the registered office or the registered agent are made, the address of the eligible entity's registered office and the business address of the eligible entity's

registered agent will be identical.

(b) If the registered agent for an eligible entity changes the address of the registered agent's business office, the registered agent may change the address of the registered office for the eligible entity by:

- (1) notifying the eligible entity in writing of the change; and
- (2) signing (either manually or in facsimile) and delivering to the secretary of state for filing a statement that:

- (A) complies with subsection (a); and
- (B) states that the eligible entity has been notified of the change.

Sec. 4. (a) The registered agent for an eligible entity may resign the agency appointment by signing and delivering to the secretary of state for filing, as described in IC 23-1-18, a statement of resignation. The statement of resignation may include a statement that the registered office for the eligible entity is also discontinued.

(b) After filing the statement, the secretary of state shall mail one (1) copy to the eligible entity at the eligible entity's principal office, if known, and one (1) copy to the eligible entity's registered office, if the registered office is not discontinued.

(c) On the thirty-first day after the date on which a statement is filed under this section:

- (1) the agency appointment is terminated; and
- (2) the registered office for the eligible entity is discontinued if so provided in the statement of resignation.

Sec. 5. (a) The registered agent of an eligible entity is the eligible entity's agent for service of process, notice, or demand required or permitted by law to be served on the eligible entity.

(b) If an eligible entity has no registered agent or the eligible entity's registered agent cannot with reasonable diligence be served, the eligible entity may be served by registered or certified mail, return receipt requested, addressed to the secretary of the eligible entity or to another executive officer, as that term is used in Trial Rule 4.6(A)(1), at the eligible entity's principal office. Service is perfected under this subsection at the earliest of:

- (1) the date the eligible entity receives the mail;
- (2) the date shown on the return receipt, if signed on behalf of the eligible entity; or
- (3) five (5) days after deposit in the United States mail, if mailed postpaid and correctly addressed.

(c) This section does not prescribe the only means, or necessarily the required means, of serving an eligible entity."

Page 36, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 28. IC 28-1-22-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a)** As used in this section, "eligible entity" means a bank, savings bank, trust company, corporate fiduciary, credit union, industrial loan and investment company, or savings association that:

- (1) is organized under the laws of:
 - (A) any other state (as defined in IC 28-2-17-19);
 - (B) the United States; or
 - (C) any other country; and
- (2) is domiciled in Indiana.

(b) An eligible entity may file with the secretary of state a notice concerning the eligible entity's:

- (1) registered office; and
- (2) registered agent;

in accordance with IC 23-15-11."

Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as printed January 30, 2015.)

BURTON

Motion prevailed.

HOUSE MOTION
(Amendment 1287-1)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 4-32.2-1-1, AS AMENDED BY P.L.135-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This article applies only to a qualified organization.

(b) This article applies only to the following approved gambling events conducted as fundraising activities by qualified organizations:

(1) Bingo events, charity game nights, door prize events, raffle events, festivals, and other gaming events approved by the commission.

(2) The sale of pull tabs, punchboards, and tip boards:

(A) at bingo events, charity game nights, door prize events, raffle events, and festivals conducted by qualified organizations; or

(B) at any time on the premises owned or leased by a qualified organization and regularly used for the activities of the qualified organization.

This article does not apply to any other sale of pull tabs, punchboards, and tip boards.

(c) This article does not apply to a promotion offer subject to IC 24-8.

(d) This article does not apply to the following:

(1) A type II gambling game authorized by IC 4-36.

(2) A raffle or other gambling game authorized by IC 4-36-5-1(b).

(e) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2; or

(3) is:

(A) offered or conducted by an insured depository institution (as defined in 12 U.S.C. 1813) that is:

(i) a national bank formed under 12 U.S.C. 21;

(ii) a state member bank (as defined in 12 U.S.C. 1813);

(iii) a state nonmember bank (as defined in 12 U.S.C. 1813); or

(iv) a savings association (as defined in 12 U.S.C. 1813); and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2."

Page 29, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 25. IC 24-8-1-1, AS AMENDED BY P.L.135-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This article applies to a promotion offer made:

(1) by a person in Indiana; or

(2) to a person in Indiana.

(b) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2; or

(3) is:

(A) offered or conducted by an insured depository institution (as defined in 12 U.S.C. 1813) that is:

(i) a national bank formed under 12 U.S.C. 21;

(ii) a state member bank (as defined in 12 U.S.C. 1813);

(iii) a state nonmember bank (as defined in 12 U.S.C. 1813); or

(iv) a savings association (as defined in 12 U.S.C. 1813); and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2."

Page 65, after line 7, begin a new paragraph and insert:

"SECTION 47. IC 35-45-5-7, AS AMENDED BY P.L.135-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

(1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state;

(2) a game of chance operated in accordance with IC 4-32.2;

(3) a gambling game operated in accordance with IC 4-35; or

(4) a prize linked savings program that:

(A) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(B) is:

(i) offered or conducted by a credit union organized or reorganized under United States law; and

(ii) conducted in the same manner as a prize linked savings program under IC 28-1-23.2; or

(C) is offered or conducted by an insured depository institution (as defined in 12 U.S.C. 1813) that is:

(i) a national bank formed under 12 U.S.C. 21;

(ii) a state member bank (as defined in 12 U.S.C. 1813);

(iii) a state nonmember bank (as defined in 12 U.S.C. 1813); or

(iv) a savings association (as defined in 12 U.S.C. 1813);

if the prize linked savings program is conducted in the same manner as a prize linked savings program under IC 28-1-23.2.

SECTION 48. IC 35-45-5-13, AS ADDED BY P.L.135-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. This chapter does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2; or

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2; or

(3) is:

(A) offered or conducted by an insured depository institution (as defined in 12 U.S.C. 1813) that is:

(i) a national bank formed under 12 U.S.C. 21;

(ii) a state member bank (as defined in 12 U.S.C. 1813);

(iii) a state nonmember bank (as defined in 12 U.S.C. 1813); or

(iv) a savings association (as defined in 12 U.S.C. 1813); and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2."

ReNumber all SECTIONS consecutively.

(Reference is to HB 1287 as printed January 30, 2015.)

RIECKEN

Motion prevailed. The bill was ordered engrossed.

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

House Bill 1341

Representative Lehman called down House Bill 1341 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1341-1)

Mr. Speaker: I move that House Bill 1341 be amended to read as follows:

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

"SECTION 1. IC 12-15-39.6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) As used in this section, "asset disregard" means one (1) of the following:

(1) A one dollar (\$1) increase in the amount of assets an individual who:

- (A) purchases a qualified long term care policy; and
- (B) meets the requirements under section 8 of this chapter;

may retain under IC 12-15-3 for each one dollar (\$1) of benefit paid out under the individual's long term care policy for long term care services.

(2) The total assets an individual owns and may retain under IC 12-15-3 and still qualify for benefits under IC 12-15 at the time the individual applies for benefits if the individual:

- (A) is the beneficiary of a qualified long term care policy that provides maximum benefits at time of purchase of at least one hundred forty thousand dollars (\$140,000) and includes a provision under which the daily benefit increases by at least five percent (5%) per year, compounded at least annually;
- (B) meets the requirements under section 8 of this chapter; and
- (C) has exhausted the benefits of the qualified long term care policy.

(b) When the office determines whether an individual is eligible for Medicaid under IC 12-15-3, the office shall:

- (1) make an asset disregard adjustment for any individual who purchases a qualified long term care policy; and
- (2) **if the assets owned by the individual's spouse are included in the individual's eligibility determination, include the assets of the individual's spouse in the asset disregard adjustment.**

The asset disregard must be available after benefits of the long term care policy have been applied to the cost of long term care as required under this chapter.

(c) The qualified long term care policy an individual must purchase to be eligible for the asset disregard under subsection (a)(2) must have maximum benefits at time of purchase equal to at least one hundred forty thousand dollars (\$140,000) plus five percent (5%) interest compounded annually beginning January 1, 1999."

Page 42, after line 22, begin a new paragraph and insert:
"SECTION 39. **An emergency is declared for this act.**"
Renumber all SECTIONS consecutively.
(Reference is to HB 1341 as printed January 30, 2015.)

CARBAUGH

Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

Mr. Speaker: I move that, upon engrossment, House Bill 1341 be recommitted to the Committee on Ways and Means.

PELATH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 69: yeas 29, nays 65. Motion failed.

There being no further amendments, the bill was ordered

engrossed.

House Bill 1350

Representative Wolkins called down House Bill 1350 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1601

Representative Smaltz called down House Bill 1601 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1601-1)

Mr. Speaker: I move that House Bill 1601 be amended to read as follows:

Page 30, line 1, reset in roman "Workforce".

Page 30, line 2, reset in roman "Investment Act of 1998 (29 U.S.C. 2801 et seq.)".

Page 30, line 2, delete "WIOA".

Page 30, between lines 31 and 32, begin a new paragraph and insert:

"(e) This section expires July 1, 2015."

(Reference is to HB 1601 as printed January 30, 2015.)

SMALTZ

After discussion, Representative Smaltz withdrew the call of House Bill 1601.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1286

Representative Burton called down Engrossed House Bill 1286 for third reading:

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

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

Roll Call 70: yeas 97, 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. Senate sponsor: Senator Buck.

Engrossed House Bill 1302

Representative McMillin called down Engrossed House Bill 1302 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

Roll Call 71: yeas 86, nays 8. 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. Senate sponsors: Senators Steele and Taylor.

Engrossed House Bill 1338

Representative Beumer called down Engrossed House Bill 1338 for third reading:

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

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

Roll Call 72: yeas 97, 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. Senate sponsor: Senator Raatz.

Representatives Huston and Summers are now excused.

Engrossed House Bill 1340

Representative Lehman called down Engrossed House Bill 1340 for third reading:

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

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

Roll Call 73: yeas 69, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

Engrossed House Bill 1396

Representative Soliday called down Engrossed House Bill 1396 for third reading:

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

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

Roll Call 74: 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. Senate sponsors: Senators Crider and Yoder.

Engrossed House Bill 1516

Representative Smith, M called down Engrossed House Bill 1516 for third reading:

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

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

Roll Call 75: yeas 68, nays 27. 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. Senate sponsor: Senator Schneider.

Engrossed House Bill 1531

Representative Davisson called down Engrossed House Bill 1531 for third reading:

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

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

Roll Call 76: 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. Senate sponsors: Senators Steele and Houchin.

Representatives Davisson and Wolkins are now excused.

Engrossed House Bill 1539

Representative Heaton called down Engrossed House Bill 1539 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 77: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 8

The Speaker handed down on its passage House Concurrent Resolution 8, introduced by Representatives Lehe and VanNatter:

A CONCURRENT RESOLUTION honoring Daniel Tweed Ferrier.

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

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Courts and Criminal Code

The Speaker announced, pursuant to House Rule 127, that House Bill 1090 had been referred to the Committee on Courts and Criminal Code.

HOUSE MOTION

Mr. Speaker: I move that Representative Pryor be added as coauthor of House Bill 1018.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Truitt, Goodin, Smith, V., Mayfield, DeVon, Bauer, Fine, Hamm, Friend, Slager, Behning, Harris, Steuerwald, Beumer, Niezgodski, Koch, Cherry, Harman, Morrison, Lucas, Cox, McNamara, Culver, Bartlett, Bacon, Zent, Frizzell, Mahan, Dermody, Soliday, Forestal, Price, Aylesworth, Wesco and Miller be added as coauthors of House Bill 1108.

BURTON

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 GiaQuinta be added as coauthor of House Bill 1140.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Mayfield and DeLaney be added as coauthors of House Bill 1142.

KOCH

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 Representatives Behning and Smith, V be added as coauthors of House Bill 1231.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Bill 1298.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1300.

MCMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Brown, C be added as coauthor of House Bill 1398.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hale and Slager be added as coauthors of House Bill 1403.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1476.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1509.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be added as coauthor of House Bill 1545.

SAUNDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1601.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1620.

RHOADS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Schaibley, the House adjourned at 5:40 p.m., this third day of February, 2015, until Thursday, February 5, 2015, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives