



# Journal of the Senate

State of Indiana

120th General Assembly

First Regular Session

Eleventh Meeting Day

Thursday Morning

January 26, 2017

The Senate convened at 10:00 a.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Matthew Barnes, Capitol Commission.

The Pledge of Allegiance to the Flag was led by Senator Aaron M. Freeman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Kruse
Bassler	Lanane
Becker	Leising
Bohacek	Long
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buck	Mrvan
Charbonneau	Niemeyer
Crane	Niezdowski
Crider	Perfect
Delph	Raatz
Doriot	Randolph, Lonnie M.
Eckerty	Ruckelshaus
Ford	Sandlin
Freeman	Smith, J.
Glick	Stoops
Grooms	Tallian
Head	Taylor, G.
Hershman	Tomes
Holdman	Walker
Houchin	Young, M.
Kenley	Zakas
Koch	Zay

Roll Call 27: present 50; excused 0. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

**HB 1230 Bassler** — (Environmental Affairs)

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

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 34, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 6, delete "A" and insert "**Except as provided in subsections (e) and (f), a**".

Page 2, line 22, delete "require" and insert "**state**".

Page 2, line 23, delete "conduct" and insert "**requires**".

Page 2, line 26, delete "school who is likely to have direct," and insert "**school**".

Page 2, delete line 27.

Page 2, line 28, delete "employment".

Page 2, line 31, delete "background".

Page 2, line 32, delete ":".

Page 2, line 33, delete "(1)".

Page 2, line 34, delete "2017; and" and insert "**2017**".

Page 2, delete lines 35 through 36.

Page 2, run in lines 32 through 37.

Page 2, line 41, delete "The annual background check updates".

Page 2, delete line 42.

Page 3, delete lines 1 through 2.

Page 3, line 8, after "required" insert "**:**"

**(1)**".

Page 3, line 10, after "(e)" insert "**;** or

**(2) while an expanded criminal history check or expanded child protection index check is being conducted;**".

Page 3, line 10, beginning with "to" begin a new line blocked left.

Page 3, line 17, delete "." and insert "**unless the school corporation, charter school, or nonpublic school agrees to pay the costs.**".

Page 3, line 21, after "period." insert "**However, a school corporation, charter school, or nonpublic school may obtain a check described in this subsection at any time if the school corporation, charter school, or nonpublic school has reason to believe that the applicant or employee:**

**(1) is the subject of a substantiated report of child abuse or neglect; or**

**(2) has been charged with or convicted of a crime listed in section 11(b) of this chapter.**".

(Reference is to SB 34 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 1.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 120, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 17, reset in roman "(a)".

Page 2, line 21, reset in roman "(b) When the court pronounces the".

Page 2, line 21, after "pronounces the" insert "**sentence for murder or a Level 1 through Level 5 felony,**".

Page 2, line 21, reset in roman "the court shall advise".

Page 2, line 23, after "date." insert "**the person of the number of days of pretrial confinement the person served while awaiting trial and sentencing on the felony charge, and whether the days of confinement were served in jail or on home detention.**".(Reference is to SB 120 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 170, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "pharmacy;" and insert "**pharmacy, if the individual:**

(i) committed the robbery with the intent to obtain a prescription drug; and

(ii) stated, indicated, or implied, by word or action, that the person was armed with a deadly weapon;"

Page 2, line 1, delete "license);" and insert "license)".

Page 2, line 1, reset in roman "if".

Page 2, reset in roman line 2.

Page 2, line 3, delete "firearms);" and insert "firearms)".

Page 2, line 3, reset in roman "if charged as a felony;"

(Reference is to SB 170 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

BRAY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-32.3-4, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. As used in this chapter, "collocation" means the placement or installation of wireless facilities on:

(1) utility poles; or

(2) existing structures, ~~that include a wireless facility or a~~ including:

(A) wireless support structure, including structures;

(B) water towers; and

(C) other buildings or structures.

The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

SECTION 2. IC 8-1-32.3-9, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) As used in this chapter, "small cell facility" means:

(1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or

(2) a wireless service facility that satisfies the following requirements:

(A) Each antenna, including exposed elements, has a volume of ~~three (3)~~ **six (6)** cubic feet or less.

~~(B)~~ All antennas, including exposed elements, have a total volume of six (6) cubic feet or less.

~~(C)~~ **(B)** The primary equipment enclosure located with the facility has a volume of ~~seventeen (17)~~ **twenty-eight (28)** cubic feet or less.

(b) For purposes of subsection ~~(a)(2)(C)~~, **(a)(2)(B)**, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:

- (1) Electric meters.
- (2) Concealment equipment.
- (3) Telecommunications demarcation boxes.
- (4) Ground based enclosures.
- (5) Back up power systems.
- (6) Grounding equipment.
- (7) Power transfer switches.
- (8) Cut off switches.

SECTION 3. IC 8-1-32.3-12, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. As used in this chapter, "utility pole" means a structure that is:

- (1) owned or operated by:
  - (A) a public utility;
  - (B) a communications service provider;
  - (C) a municipality;
  - (D) an electric membership corporation; or
  - (E) a rural electric cooperative; and
- (2) designed and used to:
  - (A) carry lines, cables, or wires for telephony, cable television, or electricity; ~~or~~
  - (B) provide lighting;
  - (C) provide traffic control; or**
  - (D) provide signage.**

The term does not include a wireless support structure or an electrical transmission tower.

SECTION 4. IC 8-1-32.3-14, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. **(a)** As used in this chapter, "wireless support structure" means a freestanding structure **that is:**

- (1) designed to support; or**
- (2) capable of supporting;**

wireless facilities.

**(b)** The term does not include a utility pole or an electrical transmission tower.

SECTION 5. IC 8-1-32.3-15, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. **(a)** This chapter applies to permits issued by a permit authority, under local law and consistent with IC 36-7, for the following:

- (1) Construction of a new wireless support structure.
- (2) Substantial modification of a wireless support structure.
- (3) Collocation of wireless facilities on an existing structure.

**(b) A permit authority may not require an application or a permit for:**

- (1) the routine maintenance of wireless facilities; or**

**(2) the replacement of wireless facilities with wireless facilities that are:**

- (A) substantially similar to; or**
  - (B) the same size or smaller than;**
- the wireless facilities being replaced.**

SECTION 6. IC 8-1-32.3-16, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. **(a) Subject to section 26(2) of this chapter with respect to applications for the collocation of small cell facilities,** a permit authority may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application for a permit unless the permit authority requires payment of the same or a similar fee for applications for permits for similar types of commercial development within the jurisdiction of the permit authority.

(b) A fee associated with the submission, review, processing, or approval of an application for a permit, including a fee imposed by a third party that provides review, technical, or consulting assistance to a permit authority, must be based on actual, direct, and reasonable costs incurred for the review, processing, and approval of the application.

- (c) A fee described in this section may not include:
- (1) travel expenses incurred by a third party in its review of an application; or
  - (2) direct payment or reimbursement of third party fees charged on a contingency basis.

SECTION 7. IC 8-1-32.3-22, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 22. **(a)** An application for a permit for collocation must include only the following:

- (1) All information required by section 19 of this chapter.
  - (2) Evidence of conformance with applicable building permit requirements.
- (b)** An application for a permit for collocation:
- (1) is not required to comply with zoning or land use requirements; and
  - (2) is not subject to public hearing.

(c) A permit authority shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities that are located within the jurisdiction of the permit authority. The permit authority shall issue a single permit for all wireless service facilities included in the application rather than individual permits for each wireless service facility.

(d) A permit authority shall review an application within ten (10) business days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

(e) An applicant that receives a written notice under subsection (d) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within fifteen (15) days of receiving the notice. If an applicant is unable to cure the defects within the fifteen (15) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

(f) Not more than forty-five (45) days after making an initial determination of completeness under subsection (d), a permit authority shall:

- (1) review the application to determine its conformity with applicable building permit requirements; and
- (2) notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time under subsection (e) to cure defects in the application, the forty-five (45) day period is extended for a corresponding amount of time.

**(g) An application for the collocation of small cell facilities is subject to the additional requirements set forth in section 26 of this chapter.**

SECTION 8. IC 8-1-32.3-26, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 26. **(a) An application for the collocation of small cell facilities is subject to the following:**

**(1) A permit authority shall allow an applicant to submit a single consolidated application for multiple small cell facilities that are located within the permit authority's jurisdiction and constitute a single small cell network. The permit authority shall issue a single permit for the small cell network rather than multiple permits for each small cell facility.**

**(2) The total of any application fees allowed under section 16 of this chapter may not exceed the lesser of:**

**(A) the amount charged by the permit authority for an application for a building permit for any similar type of commercial:**

- (i) construction;**
- (ii) activity; or**
- (iii) land use development;**

**within the jurisdiction of the permit authority; or**

**(B) an amount equal to:**

- (i) for the first five (5) small cell facilities included in the application, one hundred dollars (\$100) per small cell facility included in the application; plus**
- (ii) for any additional small cell facility included in the application above the first five (5) referenced in item (i), fifty dollars (\$50) per small cell facility included in the application.**

**(b) The rate for the collocation of small cell facilities on a utility pole owned or controlled by a county or municipality may not exceed the lesser of:**

**(1) the annual recurring rate that would apply under the regulations adopted by the Federal Communications Commission under 47 U.S.C. 224(e) if the rates were regulated by the Federal Communications Commission; or**

**(2) twenty dollars (\$20) per utility pole per year.**

(Reference is to SB 213 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Utilities.

LONG, CHAIR

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 265, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

BOOTS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 8, strike "A policy adopted under".

Page 2, strike lines 9 through 11.

Page 2, line 12, strike "noncertificated employment or certificated employment before".

Page 2, line 13, strike "the applicant's employment by the".

Page 2, line 14, strike "school corporation, charter school, or nonpublic school.", begin a new paragraph and insert:

**"(d) A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded criminal history check concerning each applicant for noncertificated employment or certificated employment:**

**(1) before the applicant's employment by the school corporation, charter school, or nonpublic school if the applicant is employed by the school corporation, charter school, or nonpublic school before July 15 for the school year beginning after June 30 of the same year or a subsequent school year; or**

**(2) before or not later than ten (10) days after the applicant's employment by the school corporation, charter school, or nonpublic school if the applicant is employed by the school corporation, charter school, or nonpublic school after July 15 for the school year beginning after June 30 of the same year.**

**(e) A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than two (2) months after the applicant's employment by the school corporation, charter school, or nonpublic school.**

**(f)".**

Page 2, line 36, strike "(d)" and insert "(g)".

(Reference is to SB 298 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.  
Committee Vote: Yeas 9, Nays 0.

BUCK, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 310, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.  
Committee Vote: Yeas 9, Nays 0.

BUCK, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 409, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 10, delete "an agreed upon" and insert "**the school corporation's**".

Page 2, after line 24, begin a new paragraph and insert:

"SECTION 3. IC 20-29-8-7, AS AMENDED BY P.L.219-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder. ~~from the staff or panel established under section 6 of this chapter.~~

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

(c) The factfinder:

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

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

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

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public

hearing may begin not earlier than ~~October~~ **November 15** in the first year of the state budget biennium and must be concluded by ~~December 31 of the same year.~~ **February 15 of the calendar year after the start of formal collective bargaining.**

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

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

(h) The factfinder shall:

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

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

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

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

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

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

(Reference is to SB 409 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BOOTS, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 513, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.  
Committee Vote: Yeas 11, Nays 0.

BOOTS, Chair

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 295, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Homeland Security and Transportation.

LONG

Report adopted.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 454, currently assigned to the Committee on Tax and Fiscal Policy, be reassigned to the Committee on Veterans Affairs and The Military.

LONG

Report adopted.

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 11 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 4 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 9 and 10 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1018, 1065, 1101, 1102, 1122 and 1230 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**REPORT OF THE SENATE  
COMMITTEE ON ETHICS**

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on January 24, 2017, to render an advisory opinion with regard to Senator J. Smith's request that the Committee consider whether or not he has a conflict of

interest pertaining to SB 545 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman L. Brown, Senator Walker, Senator Lanane, and Senator Breaux.

The Senate Committee on Ethics has considered the facts presented by Senator J. Smith and hereby recommends that Senator J. Smith be excused from participation in all votes pertaining to Senate Bill 545 at any stage in the legislative process because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 4-0.

L. BROWN, Chair

Report adopted.

**SENATE BILLS ON SECOND READING**

**Senate Bill 19**

Senator L. Brown called up Senate Bill 19 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 30**

Senator Koch called up Senate Bill 30 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 49**

Senator Glick called up Senate Bill 49 for second reading. The bill was read a second time by title.

**SENATE MOTION  
(Amendment 49-1)**

Madam President: I move that Senate Bill 49 be amended to read as follows:

Page 2, delete lines 6 through 13, begin a new paragraph and insert:

**"(c) At the time the petitioner files the verified petition described in subsection (b) with the juvenile or probate court, the petitioner shall also file a:**

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or**
- (2) permanency plan for the child as described by IC 31-34-21-7.5."**

Page 3, delete lines 19 through 26, begin a new paragraph and insert:

**"(c) At the time the petitioner files the verified petition described in subsection (b) with the juvenile or probate court, the petitioner shall also file a:**

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or**
- (2) permanency plan for the child as described by IC 31-34-21-7.5."**

Page 4, delete lines 19 through 26, begin a new paragraph and insert:

**"(b) At the time the petitioner files the verified petition described in subsection (a) with the juvenile or probate court, the petitioner shall also file a:**

- (1) copy of the order approving the permanency plan under IC 31-34-21-7 for the child; or
- (2) permanency plan for the child as described by IC 31-34-21-7.5."

(Reference is to SB 49 as printed January 24, 2017.)

GLICK

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 51**

Senator Grooms called up Senate Bill 51 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 73**

Senator Grooms called up Senate Bill 73 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 86**

Senator Leising called up Senate Bill 86 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 87**

Senator Leising called up Senate Bill 87 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 152**

Senator Merritt called up Senate Bill 152 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 152-1)

Madam President: I move that Senate Bill 152 be amended to read as follows:

Page 2, line 23, delete ":" and insert ".".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. IC 4-6-12-9, AS AMENDED BY P.L.64-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The homeowner protection unit account within the general fund is established to support the operations of the unit. The account is administered by the attorney general.

(b) The homeowner protection unit account consists of the following:

(1) Fees collected under IC 24-9-9.

(2) Fees distributed to the account under IC 33-34-8-3, IC 33-37-7-2(a), and IC 33-37-7-8(a).

(c) The expenses of administering the homeowner protection unit account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the homeowner protection unit account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(e) Money in the homeowner protection unit account at the end of a state fiscal year does not revert to the state general fund."

Page 4, line 39, delete "twenty five" and insert "twenty-five".

Page 4, line 40, after "(\$25,000)" insert ",".

Renumber all SECTIONS consecutively.

(Reference is to SB 152 as printed January 24, 2017.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 185**

Senator Crider called up Senate Bill 185 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 191**

Senator Crider called up Senate Bill 191 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 239**

Senator Head called up Senate Bill 239 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 282**

Senator Messmer called up Senate Bill 282 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 282-1)

Madam President: I move that Senate Bill 282 be amended to read as follows:

Page 2, line 9, delete "The" and insert "**Beginning July 1, 2020, the**".

(Reference is to SB 282 as printed January 24, 2017.)

MESSMER

Motion prevailed.

SENATE MOTION  
(Amendment 282-2)

Madam President: I move that Senate Bill 282 be amended to read as follows:

Page 2, delete lines 22 through 24.

Page 2, line 25, delete "(f)" and insert "(e)".

Page 2, line 29, delete "(g)" and insert "(f)".

Page 2, line 33, delete "(h)" and insert "(g)".

(Reference is to SB 282 as printed January 24, 2017.)

MESSMER

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 346**

Senator Grooms called up Senate Bill 346 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 346-1)

Madam President: I move that Senate Bill 346 be amended to read as follows:

Page 1, line 3, delete "JULY 1, 2017]" and insert "UPON PASSAGE]".

Page 2, after line 28, begin a new paragraph and insert: "SECTION 2. **An emergency is declared for this act.**". (Reference is to SB 346 as printed January 24, 2017.)

GROOMS

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 457**

Senator Head called up Senate Bill 457 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 457-1)

Madam President: I move that Senate Bill 457 be amended to read as follows:

Page 2, after line 22, begin a new paragraph and insert:

"SECTION 1. IC 9-30-16-3, AS AMENDED BY P.L.198-2016, SECTION 608, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter. If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) An individual who seeks specialized driving privileges must file a petition for specialized driving privileges in each court that has ordered or imposed a suspension of the individual's driving privileges. Each petition must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in a circuit or superior court; and
- (5) be served on the bureau and the prosecuting attorney.

A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this subsection.

(c) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for:

- (1) at least one hundred eighty (180) days; and
- (2) **not more than two and one-half (2.5) years.**

(d) The terms of specialized driving privileges must be determined by a court.

(e) A stay of a suspension and specialized driving privileges may not be granted to an individual who:

- (1) has previously been granted specialized driving privileges; and
- (2) has more than one (1) conviction under section 5 of this chapter.

(f) An individual who has been granted specialized driving privileges shall:

- (1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;
- (2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;
- (3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and
- (4) carry a validly issued state identification card or driver's license.

(g) An individual who holds a commercial driver's license and has been granted specialized driving privileges under this chapter may not, for the duration of the suspension for which the specialized driving privileges are sought, operate any vehicle that requires the individual to hold a commercial driver's license to operate the vehicle."

Renumber all SECTIONS consecutively.

(Reference is to SB 457 as printed January 25, 2017.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 511**

Senator Charbonneau called up Senate Bill 511 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 545**

Senator Kenley called up Senate Bill 545 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 545-1)

Madam President: I move that Senate Bill 545 be amended to read as follows:

Page 1, line 10, after "(c)" insert "**This subsection and the obligation of a retail merchant described in this subsection apply only if the department brings a declaratory judgment action under IC 6-2.5-9-9, a court enters a final judgment on the merits in the declaratory judgment action declaring that the obligation of retail merchants to collect the state gross retail tax as provided in this subsection is valid under state and federal law, and the final judgment of the court is no longer subject to appeal.**".

(Reference is to SB 545 as printed January 25, 2017.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Ruckelshaus be added as second author of Senate Joint Resolution 2.

DELPH

Motion prevailed.



SENATE MOTION

Madam President: I move that Senator Raatz be added as third author of Senate Bill 42.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 49.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 49.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 77.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niezgodski be added as coauthor of Senate Bill 85.

L. BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator L. Brown be added as second author of Senate Bill 118.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 130.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as third author of Senate Bill 154.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as third author of Senate Bill 155.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Koch be added as second author of Senate Bill 169.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 174.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 182.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 185.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 213 and Senator Hershman be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Doriot and Stoops be added as coauthors of Senate Bill 231.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niezgodski be added as coauthor of Senate Bill 262.

TALLIAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Ford be added as second author and Senators Doriot and Sandlin be added as coauthors of Senate Bill 275.

HOLDMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 276.

HOLDMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Grooms be added as coauthor of Senate Bill 287.

FORD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senators Koch and J. Smith be added as coauthors of Senate Bill 314.

BECKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 323.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Zakas be added as third author of Senate Bill 345.

M. YOUNG

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Niezgodski be added as coauthor of Senate Bill 346.

GROOMS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Ruckelshaus be added as second author of Senate Bill 348.

FREEMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Senate Bill 396.

KOCH

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Zay be added as coauthor of Senate Bill 404.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author, Senator Tallian be added as third author, and Senators Bassler, Niezgodski and Stoops be added as coauthors of Senate Bill 416.

CHARBONNEAU

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Ford be added as second author and Senators Grooms and Smith be added as coauthors of Senate Bill 420.

BASSLER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 422.

BASSLER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Senate Bill 446.

MERRITT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Mrvan be added as coauthor of Senate Bill 475.

MELTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Niezgodski and Lonnie M. Randolph be added as coauthors of Senate Bill 488.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niezgodski be added as coauthor of Senate Bill 491.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author, Senator Tallian be added as third author, and Senators Bassler, Stoops and Niezgodski be added as coauthors of Senate Bill 511.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zay be added as third author of Senate Bill 536.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 564.

MELTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Melton be added as second author of Senate Bill 567.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crane be added as coauthor of Senate Bill 314.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph, Lonnie M. Randolph, M. Young and Zakas be added as coauthors of Senate Bill 314.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as second author and Senator Breaux be added as coauthor of Senate Bill 412.

KOCH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 19.

L. BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 30, 2017.

LONG

Motion prevailed.

The Senate adjourned at 10:33 a.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate