



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Twenty-fifth Day

Monday Afternoon

February 29, 2016

The invocation was offered by Pastor Tommy Beatley, Delaware and Osgood United Methodists Churches in Milan, a guest of Representative Randall L. Frye.

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 Christina E Hale.

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

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

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

Roll Call 250: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 27, 192, 251, 257 and 327.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1012:

Conferees: Becker and Rogers
Advisors: Patricia Miller and Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore has appointed the following Senators a conference committee to confer on Engrossed Senate Bill 20

Conferees: Boots, Chairman; and Tallian
Advisors: Walker and Arnold

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, with amendments, Engrossed House Bills 1025, 1081, 1088, 1130, 1180, 1215, 1273 and 1298 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14, 15, 16 and 19 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 14, 36 and 47 and the same are herewith transmitted to the House for

further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 52

Representatives Pierce, Lehman and Saunders introduced House Concurrent Resolution 52:

A CONCURRENT RESOLUTION honoring volunteers for contributing more than 100,000 hours of labor to the Indiana State Archives.

Whereas, Forty-three volunteers at the Indiana State Archives devoted 6,816 hours in 2015 to processing, indexing, and preserving Indiana's historical records;

Whereas, This is the equivalent of four full-time employees;

Whereas, Since 1991, 185 volunteers have contributed 100,260 hours to projects ranging from data entry to the preservation of records of Hoosier veterans dating from the Battle of Tippecanoe to the Vietnam War;

Whereas, Volunteers have entered more than one and a half million names into a database that is now searchable online at the Indiana State Archives' web site;

Whereas, These efforts contributed to the Archives' web site being named "Best State Website" for genealogical research for a fifth time in 2015 by Family Tree Magazine;

Whereas, Volunteers in the Conservation Lab have given 2,500 hours to preserve original Indiana House and Senate bills dating back to 1863; and

Whereas, These many hard-working volunteers have made Indiana's historical records more accessible to the public and have assisted in preserving the records for future generations: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes and thanks the dedicated volunteers for their many hours of service to the Indiana State Archives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Friends of the Indiana State Archives and Jim Corridan, director of the Indiana Archives and Records Administration.

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

House Concurrent Resolution 53

Representatives Lawson, Arnold, Austin, Bacon, Bartlett, Bauer, Braun, Burton, C. Brown, Culver, Dermody, Dvorak, Eberhart, Errington, Fine, Forestal, Friend, Frizzell, Goodin, Gutwein, Hale, Hamm, Harman, Harris, Karickhoff, Kersey, Klinker, Lehe, Lehman, Lyness, Macer, Moed, Morris, Negele, Niezgodski, Olthoff, Pelath, Pierce, Porter, Price, Pryor, Riecken, Saunders, Shackelford, Steuerwald, Summers, Truitt, V. Smith, Wright, Zent and Ziemke introduced House Concurrent Resolution 53:

A CONCURRENT RESOLUTION recognizing the roles played by May Wright Sewall, Zerelda Wallace, and Helen Gougar in the Indiana women's suffrage movement.

Whereas, The League of Women Voters, a nonpartisan political organization, encourages informed and active

participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy;

Whereas, The League of Women Voters was founded by Carrie Chapman Catt in 1920 during the convention of the National American Woman Suffrage Association;

Whereas, As the 100th anniversary of the organization approaches in 2020, special recognition is due to three women who played key roles in the suffrage movement in Indiana — May Wright Sewall, Zerelda Wallace, and Helen Gougar;

Whereas, May Wright Sewall was born on May 27, 1844, in Greenfield, Wisconsin, and died on July 23, 1920, before getting the right to vote in Indiana;

Whereas, Although she was most well known for the role she played in the women's suffrage movement, May Wright Sewall was an important educator and a leader in the area of civic improvement and peacemaking;

Whereas, After graduating from Northwestern Female College in 1866 and earning an M.A. degree in 1871, May Wright Sewall taught school in Corinth, Mississippi, was the principal of the high school in Plainwell, Michigan, and was a teacher at a high school in Indianapolis;

Whereas, Along with her second husband, Theodore L. Sewall, May founded the Girls' Classical School of Indianapolis in 1882;

Whereas, During this time May had helped establish the Indianapolis Equal Suffrage Society, led a campaign that narrowly failed to secure women's suffrage in Indiana, and was chairman of the executive committee of the National Woman Suffrage Association;

Whereas, May Wright Sewall held many positions during her career including the first recording secretary and president of the National Council of Women, president of the International Council of Women, and first vice president of the General Federation of Women's Clubs;

Whereas, Zerelda Wallace was born on August 6, 1817, in Kentucky and came to Indianapolis with her family in the early 1830s;

Whereas, Zerelda was active in the temperance movement, was instrumental in the founding of the Women's Christian Temperance Union, and served as the organization's first Indiana state president and national vice president;

Whereas, Zerelda campaigned for women's suffrage with the same vigor as she had in the temperance movement, serving as president of the Equal Suffrage Society of Indianapolis, was a founder of the Indiana Woman's Suffrage Association, and was elected vice president of the National Woman Suffrage Association;

Whereas, A contemporary of Elizabeth Cady Stanton and Susan B. Anthony, Zerelda was known as a powerful speaker for both the temperance and women's suffrage movements and was in constant demand, addressing gatherings across the nation;

Whereas, Zerelda testified before the United States Senate Judiciary Committee on women's right to vote, addressed the 1883 International Council of Women held in Washington, D.C., on "The Moral Power of the Ballot", and was a featured speaker at the conventions of the National Woman Suffrage Association;

Whereas, Zerelda was elected posthumously to the Indiana Academy and was also selected to represent Indiana in the League of Women Voters National Hall of Fame;

Whereas, In recognition of her outstanding accomplishments, an Indiana State Historic Marker was dedicated to Zerelda Wallace at the Central Christian Church in Indianapolis;

Whereas, In addition to her work with the women's suffrage movement, Zerelda was the wife of Governor David Wallace, the sixth governor of Indiana, and the stepmother of Lew Wallace;

Whereas, Helen Gougar was born on July 18, 1843, near Litchfield, Michigan;

Whereas, Helen accepted a teaching position in Lafayette, where she met and married John Gougar, a young attorney;

Whereas, As a young wife, Helen was involved in several benevolent organizations in Lafayette, including the YMCA, Lafayette Home Association, Ladies' Benevolent Society, and the Second Presbyterian Church;

Whereas, In April 1878, Helen addressed a Blue Ribbon Temperance Rally in Lafayette and persuaded 500 attendees to sign a temperance pledge, a speech marking the beginning of Helen's commitment to the temperance movement and, through this work, to becoming an ardent suffragist;

Whereas, Helen ventured into the newspaper business when she became the editor of "Our Temperance Herald", renaming it "Our Herald";

Whereas, Helen traveled to Kansas and spearheaded the drafting of a municipal suffrage bill, uniting the local Women's Christian Temperance Union with the Kansas Equal Suffrage Association, a bill that passed in 1887;

Whereas, In 1888 when the state and national Republican party refused to include suffrage and temperance in the party platform, Helen left the Republican Party and became a member of the Prohibition Party, becoming a delegate to the Prohibition Party National Convention in 1892;

Whereas, It was this party involvement that put Helen at odds with her suffragist comrades, including Susan B. Anthony;

Whereas, Helen sued the Tippecanoe County election board for its refusal to allow her to vote in the 1894 election and was able to argue her own case before the Supreme Court (she was admitted to the bar in 1895) due to the experience she gained helping her husband;

Whereas, Helen Gougar died in 1907 without getting the right to vote;

Whereas, In recognition of her outstanding accomplishments, an Indiana State Historic Marker was dedicated to Helen Gougar in Lafayette; and

Whereas, These three great women continue to be an example and inspiration for all Hoosiers: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the many accomplishments of these three outstanding women in the suffrage movement in Indiana and nationally.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the League of Women Voters.

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

House Concurrent Resolution 54

Representative Koch introduced House Concurrent

Resolution 54:

A CONCURRENT RESOLUTION recognizing the hardworking men and women who work every day of the year so that Hoosiers in every corner of our state have safe, reliable electric energy to power their homes, schools, churches, and businesses by urging the Governor to designate February 29, 2016, as Electric Lineman Appreciation Day across Indiana.

Whereas, The profession of electric lineman is steeped in personal, family, and professional tradition and requires passion, dedication, and commitment to safety and ongoing training;

Whereas, Across the Hoosier state, more than 1,600 men and women maintain over 134,000 miles of line for electric co-ops, municipal electric utilities, and investor-owned electric utilities;

Whereas, Our nation depends on these dedicated individuals to construct and maintain the energy infrastructure of our state and country;

Whereas, It is appropriate to recognize the hardworking employees of all of our state's electric utility systems who work in the field and especially note their efforts to restore power during outages;

Whereas, Electric utility workers are often first responders during storms and other catastrophic events, working to make the scene safe for other public safety heroes;

Whereas, These situations often involve the interruption of family time at all hours of the day and night, including weekends and holidays;

Whereas, These dedicated employees not only serve Hoosiers, they are often called upon to serve others, sometimes under dangerous conditions and far from their families; and

Whereas, The job of a lineman is often left unrecognized, and the hardworking men and women who work in inclement weather and other challenging conditions to ensure the safe and reliable delivery of electric energy to all citizens of our state are most deserving of gratitude, appreciation, and honor: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes Indiana's electric utility line men and women for their dedication and commitment to keeping the lights on and keeping Hoosiers safe all across Indiana.

SECTION 2. That the Indiana General Assembly urges the Governor to declare February 29, 2016, as "Electric Lineman Appreciation Day" in Indiana.

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

House Concurrent Resolution 41

Representative Kersey introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION honoring Indiana State University.

Whereas, Indiana State University is celebrating its Sesquicentennial Era from 2015 to 2020 marking the 150th anniversary of its founding legislation in 1865 through the 150th anniversary of the opening of its doors in 1870;

Whereas, Throughout its history, Indiana State University has prepared top-notch teachers, principals, and superintendents who will educate our state's future leaders;

Whereas, Indiana State University has also prepared other skilled and knowledgeable graduates for Indiana's workforce, including business leaders, health professionals, pilots, law enforcement officers, social workers, and more;

Whereas, Indiana State University also provides access and opportunity to a quality higher education to a diverse student body that has evolved into the most diverse student population of any public residential campus in Indiana;

Whereas, Indiana State University transforms the lives of students whose parents did not have the benefit of a college education, thereby forever changing their lives by opening the doors to all that a college education provides;

Whereas, Indiana State students annually provide more than 1.4 million hours to nonprofit agencies and others throughout the state, nation, and world;

Whereas, Indiana State University has been given a number one national ranking by Washington Monthly for its service and an overall national ranking of 20th for the value it provides to society;

Whereas, Indiana State University currently has an all-time enrollment high of 13,584 students, surpassing the previous record of 13,533 set in 1970 and marking a 30 percent growth since 2008; and

Whereas, Indiana State University continues to have an ongoing commitment to educating Hoosiers, with 75 percent of its current students and 89 percent of its freshman class coming from Indiana and 85 percent of its more than 90,000 graduates staying in Indiana to live, work, and raise their families: Therefore,

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

SECTION 1. That the Indiana General Assembly acknowledges the good work done by Indiana State University for the student body and the economies of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana State University.

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

House Resolution 34

Representative V. Smith introduced House Resolution 34:

A HOUSE RESOLUTION recognizing Young Black Males Legislative Day on February 29, 2016.

Whereas, March 31, 2015, marked the first annual Young Black Males Legislative Day when 250 students from around the state gathered at the Statehouse to show that they can have a voice in their government and to show the Indiana General Assembly that Young Black Lives Matter;

Whereas, Black males are six times more likely to be incarcerated than their white male counterparts. Blacks made up 9.5 percent of the population in Indiana, but 33 percent of the inmates in the Indiana Department of Correction, in 2015. African-American males comprise over 75 percent of the defendants in Indianapolis;

Whereas, Indiana's percentage of black male students who experience out-of-school suspensions was 27 percent in 2015, and was tied for the second highest percentage among all states. In Marion County, the number of out-of-school suspensions represented more than 60 percent of the student population at various schools. "Attendance" was the fifth most

common reason for students being suspended. The high school graduation rate for African-American males is 38 percent, while the graduation rate for white males is 70 percent;

Whereas, Young African-American males are predominantly caught in a cycle of poverty and low expectations, which needs to be recognized. Rectifying this cycle must be prioritized at all levels of government. We must invest in the future of these young men. It is time to make it clear that Black Male Lives Matter; and

Whereas, Young black males are concerned about their plight and organize this day to highlight the issue they face: 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 does hereby mark Young Black Males Legislative Day on February 29, 2016.

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

House Concurrent Resolution 55

Representatives Stemler, Clere, Goodin, Frye, Arnold, Bacon, Lyness, McNamara, Rhoads, Riecken and Sullivan introduced House Concurrent Resolution 55:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the East End Bridge across the Ohio River as the "Lewis and Clark Bridge".

Whereas, Lewis and Clark were one of the greatest teams of explorers in the world;

Whereas, Lewis and Clark were co-captains of America's most famous expedition;

Whereas, Captain Meriwether Lewis came down the Ohio River from Pittsburgh, Ohio, and met William Clark in October 1803 at the Falls of the Ohio;

Whereas, Captain Lewis hired expert pilots to navigate through The Falls of the Ohio, a series of long and dangerous rapids over limestone ledges in the Ohio River between Kentucky and Indiana;

Whereas, William Clark was living with his brother, General George Rogers Clark, founder of Louisville, Kentucky, in Clarksville, Indiana, on the north bank of the Ohio River in 1803;

Whereas, Lewis and Clark recruited, enlisted, and trained the leadership of the expedition known as the "Nine Young Men from Kentucky" at the Falls of the Ohio;

Whereas, The expedition members were sworn in at the home site of General George Rogers Clark;

Whereas, Over one third of the permanent members of the Corps of Discovery were from the Falls of the Ohio area; they were Joseph and Reuben Field, Charles Floyd, John Shields, Nathaniel Pryor, George Shannon, George Gibson, William Bratton, and John Colter;

Whereas, Lewis and Clark and their Corps of Discovery departed from the Falls of the Ohio at Mill Creek on the Ohio River to begin their expedition to the Pacific on October 26, 1803;

Whereas, Sergeant Charles Floyd, born in Kentucky but living in Indiana at the time he was recruited, was the only member of the expedition to die while on the expedition, dying on August 20, 1804;

Whereas, William Clark's slave, York, was the first

African-American to cross the United States from coast to coast;

Whereas, On November 5, 1806, after three years, Lewis and Clark returned to Indiana and Kentucky from the Pacific as acclaimed national heroes;

Whereas, On November 8, 1806, upon returning from their historic expedition to the Pacific, Lewis and Clark visited Locust Grove, located a short distance south of the Ohio River in Louisville, Kentucky, the only verified remaining structure west of the Appalachian Mountains known as a stopping point for Lewis and Clark;

Whereas, Lewis and Clark later departed together from the Falls of the Ohio area to return to Washington and report to President Thomas Jefferson, but went by different routes;

Whereas, Colonel Meriwether Lewis Clark, Jr., Clark's grandson, was the founder of the Kentucky Derby;

Whereas, The National Council of the Lewis and Clark Bicentennial, the organization awarding Signature Events to 15 significant sites of the Lewis and Clark Expedition, was made aware of this little known fact and of the significance of Captain William Clark's descendants to the Kentucky Derby, a fact that played a large part in gaining national attention of the members of the National Council of the Lewis and Clark Bicentennial to the Falls of the Ohio area; and

Whereas, The Falls of the Ohio was thus awarded the 2nd Signature Event of the National Lewis and Clark Bicentennial Commemoration held October 14-26 in Clarksville, Indiana, and Louisville, Kentucky, after 200 years of its history being ignored or almost forgotten: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the commissioner of the Indiana Department of Transportation to rename the East End Bridge across the Ohio River as the "Lewis and Clark Bridge".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

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

House Concurrent Resolution 56

Representatives Porter, T. Brown, Bartlett, C. Brown, Harris, Pryor, Shackelford, V. Smith, Summers, Pelath, Baird, Lehman and Leonard introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the section of Interstate Highway 65 from Seymour to Johnson County as "The Tuskegee Airmen Highway".

Whereas, The Tuskegee Airmen were a group of dedicated, determined young men who volunteered to become America's first African-American military airmen;

Whereas, Tuskegee University was awarded the United States Army Air Corps contract to help train these brave young men because it had an airfield and a proven civilian pilot training program, and because its graduates performed highest on flight aptitude exams;

Whereas, Approximately 1,000 African-American pilots were trained at Tuskegee University between 1941 and 1946;

Whereas, The all African-American 332nd Fighter Group originally consisted of four fighter squadrons: the 99th, the 100th, the 301st, and the 302nd;

Whereas, The 332nd Fighter Group's success in escorting bombers during World War II is a record unmatched by any other fighter group, having one of the lowest loss records of all the escort fighter groups;

Whereas, The Airmen flew more than 700 bomber escort missions and ended the war as the only fighter group to never lose an escorted bomber to enemy fighters;

Whereas, The Fighter Group received numerous awards and citations for its bravery and tenacious fighting ability, including several Presidential Unit Citations;

Whereas, Indiana has a significant connection to the Tuskegee Airmen legacy;

Whereas, The Indiana members of the Tuskegee Airmen were Rayfield A. Anderson; Robert D. Anderson; Reginald A. Bruce; John A. Burch, III; John C. Curry; Harry J. Daniels; Charles H. DeBow; Henry T. Fears; Charles B. Hall; Bennett G. Hardy; Earl B. Highbaugh; Richard B. Highbaugh; Louis G. Hill, Jr.; George L. Knox; Herbert J. L. Lewis; Perry W. Lindsey; Cornelius F. May; Rixie H. McCarroll; John McClure; Louis U. Murray; Charles P. Myers; Maurice D. Pompey; Gordon M. Rapier; John J. Suggs; James A. Wilson; and Harry Leavell;

Whereas, Quentin P. Smith, Eugene D. Smith, and Walter Palmer were also members of the Tuskegee Airmen;

Whereas, Indianapolis native Charles DeBow was a member of the first class of five graduates of the Tuskegee Advanced Flying School; Brazil native Charles Hall was the first African-American military aviator to shoot down an enemy plane in air-to-air combat; and Freeman Field in Seymour was the location of the Freeman Field Mutiny, where more than 100 Tuskegee airmen were arrested for refusing to sign an illegal order of segregation of the officers' club; and

Whereas, Accomplishments such as these deserve special recognition so that all Americans can remember the bravery and courage of the Tuskegee Airmen in the face of great personal danger: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the many contributions made by the Tuskegee Airmen during World War II and, in order to perpetuate the history of African-Americans who participated in air crew, ground crew, and operations support training in the Army Air Corps, urges the naming of the section of Interstate Highway 65 from Seymour to Johnson County as "The Tuskegee Airmen Highway".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Reginald A. DuValle, president of the Indianapolis Chapter of Tuskegee Airmen, Inc., and to the commissioner of the Indiana Department of Transportation.

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

House Concurrent Resolution 57

Representatives Arnold, Goodin and Leonard introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename Interstate 65 through Clark County "Governor Jonathan Jennings Memorial Highway".

Whereas, Jonathan Jennings was born March 27, 1784, in Readington, New Jersey;

Whereas, Jonathan Jennings was a lawyer, farmer, and

politician;

Whereas, Jonathan Jennings was elected as the Indiana Territory delegate to the United States Congress in 1809;

Whereas, By 1812, Jonathan Jennings was the leader of the anti-slavery and pro-statehood faction of the territorial government;

Whereas, In 1816, Jonathan Jennings was elected president of the Indiana Constitutional Convention, where he helped draft the state's first constitution;

Whereas, Jonathan Jennings was Indiana's first governor at age 32 and re-elected for an additional term;

Whereas, During his terms, Jonathan Jennings negotiated the Treaty of St. Mary's which opened central Indiana to American settlement;

Whereas, The focus during Jennings' tenure was on internal improvements with projects directed toward construction of roads, canals, and other projects to enhance the commercial appeal and economic viability of the state;

Whereas, In 1822, Jonathan Jennings was elected to the United States House of Representatives, before retiring from public service in 1831;

Whereas, In 1834, at the age of 50, Jonathan Jennings passed away and is buried in Charlestown, Indiana; and

Whereas, It is fitting and proper that Hoosiers remember this outstanding man in a special way: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename Interstate 65 through Clark County "Governor Jonathan Jennings Memorial Highway" in memory of this great Hoosier.

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

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

House Concurrent Resolution 58

Representative Koch introduced House Concurrent Resolution 58:

A CONCURRENT RESOLUTION memorializing Indiana State Police Trooper Robert Gillespie and urging the Indiana Department of Transportation to name a memorial mile of State Road 37 near Mitchell "The Trooper Robert Gillespie Memorial Mile".

Whereas, Trooper Robert Gillespie was killed in a traffic accident on Friday, June 8, 1962, while rushing to a call for assistance near Mitchell in Lawrence County;

Whereas, While traveling with his emergency lights on, Trooper Gillespie was forced to leave the road when a pickup truck slowed in front of him;

Whereas, Leaving the highway to avoid the pickup truck, Trooper Gillespie swerved back on the highway to avoid another car in his path when a third car struck his vehicle;

Whereas, Trooper Gillespie served with the Indiana State Police for nearly 12 years and was assigned to the Seymour post;

Whereas, In 1959, Trooper Gillespie was awarded the Indiana State Police Gold Star Award for Valor when, in spite of gunshot wounds, he continued to pursue a couple who had

fired at him;

Whereas, Trooper Gillespie was also a United States Navy veteran serving in the Shore Patrol; and

Whereas, The valor and courage displayed by Trooper Gillespie deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes the bravery of Trooper Robert Gillespie by urging the Indiana Department of Transportation to name a memorial mile of State Road 37 near Mitchell "The Trooper Robert Gillespie Memorial Mile".

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Indiana State Police Trooper Robert Gillespie.

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

House Resolution 33

Representatives Pryor and T. Brown introduced House Resolution 33:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of allowing counties, cities, and towns an option to provide a property tax assessed value deduction for long time owner-occupants of certain homestead property that has seen an increase in assessed value as a consequence of the refurbishing or renovating of other residences or the construction of new residences in certain designated distressed areas.

Whereas, Some long established residential neighborhoods in the state have deteriorated, vacant, or abandoned residences and properties;

Whereas, The revitalization of such a neighborhood causes property values to rise markedly in the neighborhood;

Whereas, These increasing property values have caused property taxes to increase significantly for long time homeowners who own modest homesteads in the neighborhood; and

Whereas, Some form of property tax relief needs to be provided to these homeowners so that they can remain in their neighborhood: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of allowing counties, cities, and towns an option to provide a property tax assessed value deduction for long time owner-occupants of certain homestead property that has seen an increase in assessed value as a consequence of the refurbishing or renovating of other residences or the construction of new residences in certain designated distressed areas.

The resolution was read a first time and referred to the Committee on Ways and Means.

House Resolution 35

Representative Moseley introduced House Resolution 35:

A HOUSE RESOLUTION expressing opposition to the extension of disastrous trade policies.

Whereas, For the past 25 years, the United States' trade deals have been corporate-driven, incorporating rules that skew benefits to economic elites while requiring working

families to bear the brunt of such policies;

Whereas, The growing trade deficits, driven by the North American Free Trade Agreement (NAFTA), China's ascension to the World Trade Organization, and the United States-Korea Free Trade Agreement, have displaced 700,000 jobs, 3.2 million jobs, and 75,000 jobs respectively;

Whereas, United States employment in manufacturing dropped by 5 million from 2000 to 2015;

Whereas, Indiana's poverty rate is 14.6 percent for all ages which requires the expenditure of limited public funds to assist families in crisis;

Whereas, Jobs lost due to trade devastate families and entire communities and can permanently reduce lifetime earnings for hundreds of thousands of workers;

Whereas, The long decline of the American manufacturing base, exacerbated by bad trade policies that reward outsourcing, has undermined our economic security and poses a direct threat to our national security;

Whereas, The offshoring of manufacturing and service jobs deprives local and state governments of sorely needed revenues, jeopardizing the livelihoods of millions of public servants as well as construction workers whose jobs depend on infrastructure building, repair, and maintenance;

Whereas, Under NAFTA-style trade rules, the United States' annual trade deficit has increased dramatically from \$70 billion in 1993, the year before NAFTA went into effect, to more than \$508 billion in 2014;

Whereas, The disproportionate voice of powerful global corporations in the formation of United States "free trade" agreements has advanced an agenda that undermines the public interest and threatens democracy;

Whereas, NAFTA and all but two of the United States' trade deals that followed it include special legal rights for foreign investors, known as "investor-to-state dispute settlement" (ISDS), that allow foreign firms to bypass state and federal courts to challenge state and local laws, regulations, and administrative and judicial decisions in international tribunals;

Whereas, The Trans-Pacific Partnership (TPP) is likely to include provisions locking in monopoly protections for expensive specialty drugs called biologics and constrict the government's ability to limit spending on drugs, potentially increasing drug costs for the government and all Americans;

Whereas, Foreign investors have already used NAFTA's ISDS provisions to challenge decisions regarding local building permits, environmental regulations, state bans on toxic chemicals, and decisions of state courts;

Whereas, Climate change and environmental degradation threaten communities across the globe, and ISDS provisions in the TPP may expose nations enacting policies to fight climate change to ISDS cases that undermine these efforts;

Whereas, Promoting economic growth with equity in Indiana requires an approach that reforms the entire trade negotiation process to ensure that voices of workers, farmers, small businesses, families, and communities are heard and their interests addressed;

Whereas, The TPP has been negotiated in secret, effectively shutting state and local governments out of the process, limiting our ability to influence its rules to ensure the people of Indiana can participate in the benefits of trade;

Whereas, Given the enactment of fast track trade negotiating authority, states, localities, and their citizens will have no opportunity to correct shortcomings in the TPP since its text

will not be made public until it is final and no longer can be improved; and

Whereas, Repeating old mistakes in negotiating new trade agreements such as the TPP represents a missed opportunity to strengthen our economy, reduce income inequality, and promote sustainable growth: 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 calls upon our elected officials in the United States Senate and the House of Representatives to oppose the TPP and any similar trade deals if they fail to restructure the misguided and failed policies of the past.

SECTION 2. That the Indiana House of Representatives call upon our elected officials in the United States Senate and House of Representatives to support new trade deals such as the TPP only if they will:

1. Protect and promote traditional state and local prerogatives and authority under our federal system, including ensuring that states and localities will not be required to comply with certain commitments, including any restrictions on preferences for local, state, or United States goods or services, without prior informed consent of the legislature or local law making bodies.
2. Ensure balanced trade and address the excess, job-killing United States trade deficit.
3. Include enforceable rules against currency manipulation which countries such as China and Japan have used to tilt the playing field in their favor.
4. Exclude investor-to-state dispute settlement and other provisions that favor foreign companies over domestic ones and undermine public choices.
5. Ensure that countries cannot undercut United States-based producers with weaker labor and environmental laws and enforcement.
6. Ensure that the United States will engage in robust enforcement of trade rules, including labor and environmental rules.
7. Include strong rule of origin to promote economic growth and job creation in the United States.
8. Promote high standards of protection for workplaces, products, and natural resources rather than promoting a race to the bottom.
9. Put the interests of people and the planet over the interests of private profit.
10. Ensure that collective bargaining will, and always continue to, be a voice for fair labor standards and practices in the workplace.

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

The resolution was read a first time and referred to the Committee on Government and Regulatory Reform.

Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representative Frizzell:

A CONCURRENT RESOLUTION honoring the agencies which serve Children in Need of Services in Indiana.

Whereas, There are more than 20,000 Children in Need of Services (CHINS) in Indiana;

Whereas, These children have suffered abuse and neglect and require services to provide for their safety, assure that they have a permanent family, and promote their healing and well-being;

Whereas, More than 100 agencies in Indiana provide foster family care, residential treatment, and home-based services to over 11,000 of these children and their families under contract with the Department of Child Services;

Whereas, These agencies represent more than 10,000 employees; more than 700 volunteer board members, and more than 1,700 foster families;

Whereas, These agencies report that almost 78 percent of the children have positive educational outcomes at time of discharge from services, and 63 percent achieve their required permanency plan;

Whereas, These agencies also report that, at six month follow-up visits, 98 percent of the children had not suffered new abuse or neglect, and 82 percent had not been involved with the courts for new offenses; and

Whereas, It is fitting that the Indiana General Assembly honors the work of all of Indiana's agencies that are resources for CHINS, because of their work for meeting such an important need in the state with continued excellence: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the work of agencies providing foster family care, residential treatment, and home-based services to Children in Need of Services in Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Cathleen Graham, Executive Director of the Indiana Association of Resources & Child Advocacy.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 10, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 10 as printed February 2, 2016.)

Committee Vote: Yeas 7, Nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 34-18-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]:

Chapter 0.5. Implementation

Sec. 1. The general assembly emphasizes, to the parties, the courts, and the medical review panels, that adhering to the timelines set forth in this article is of extreme importance in ensuring the fairness of the medical

malpractice act. Absent a mutual written agreement between the parties for a continuance, all parties subject to this article, and all persons charged with implementing this article, including courts and medical review panels, shall carefully follow the timelines in this article. No party may be dilatory in the selection of the panel, the exchange of discoverable evidence, or in any other matter necessary to bring a case to finality, and the courts and medical review panels shall enforce the timelines set forth in this article so as to carry out the intent of the general assembly.

SECTION 2. IC 34-18-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. Financial responsibility of a health care provider and the provider's officers, agents, and employees while acting in the course and scope of their employment with the health care provider may be established under subdivision (1), (2), or (3):

(1) By the health care provider's insurance carrier filing with the commissioner proof that the health care provider is insured by a policy of malpractice liability insurance in the amount of at least ~~two hundred fifty thousand dollars (\$250,000)~~ **the amount specified in IC 34-18-14-3(b)** per occurrence and ~~seven hundred fifty thousand dollars (\$750,000)~~ **three (3) times that amount** in the annual aggregate, except for the following:

(A) If the health care provider is a hospital, as defined in this article, the minimum annual aggregate insurance amount is as follows:

(i) For hospitals of not more than one hundred (100) beds, ~~five million dollars (\$5,000,000):~~ **twenty (20) times the amount specified in IC 34-18-14-3(b).**

(ii) For hospitals of more than one hundred (100) beds, ~~seven million five hundred thousand dollars (\$7,500,000):~~ **thirty (30) times the amount specified in IC 34-18-14-3(b).**

(B) If the health care provider is a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4), the minimum annual aggregate insurance amount is ~~one million seven hundred fifty thousand dollars (\$1,750,000):~~ **seven (7) times the amount specified in IC 34-18-14-3(b).**

(C) If the health care provider is a health facility, the minimum annual aggregate insurance amount is as follows:

(i) For health facilities with not more than one hundred (100) beds, ~~seven hundred fifty thousand dollars (\$750,000):~~ **three (3) times the amount specified in IC 34-18-14-3(b).**

(ii) For health facilities with more than one hundred (100) beds, ~~one million two hundred fifty thousand dollars (\$1,250,000):~~ **five (5) times the amount specified in IC 34-18-14-3(b).**

(2) By filing and maintaining with the commissioner cash or surety bond approved by the commissioner in the amounts set forth in subdivision (1).

(3) If the health care provider is a hospital or a psychiatric hospital, by submitting annually a verified financial statement that, in the discretion of the commissioner, adequately demonstrates that the current and future financial responsibility of the health care provider is sufficient to satisfy all potential malpractice claims incurred by the provider or the provider's officers, agents, and employees while acting in the course and scope of their employment up to a total of ~~two hundred fifty thousand dollars (\$250,000)~~ **the amount specified in IC 34-18-14-3(b)** per occurrence and annual aggregates as follows:

(A) For hospitals of not more than one hundred (100) beds, ~~five million dollars (\$5,000,000):~~ **twenty (20) times the amount specified in IC 34-18-14-3(b).**

(B) For hospitals of more than one hundred (100) beds, ~~seven million five hundred thousand dollars (\$7,500,000)~~; **thirty (30) times the amount specified in IC 34-18-14-3(b).**

The commissioner may require the deposit of security to assure continued financial responsibility.

SECTION 3. IC 34-18-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) Notwithstanding section 4 of this chapter, a patient may commence an action against a health care provider for malpractice without submitting a proposed complaint to a medical review panel if the patient's pleadings include a declaration that the patient seeks damages from the health care provider in an amount not greater than ~~fifteen thousand dollars (\$15,000)~~; **fifteen thirty-five thousand dollars (\$35,000)**. In an action commenced under this subsection (or IC 27-12-8-6(a) before its repeal), the patient is barred from recovering any amount greater than ~~fifteen thirty-five thousand dollars (\$15,000)~~; **fifteen thirty-five thousand dollars (\$35,000)**, except as provided in subsection (b).

(b) A patient who:

- (1) commences an action under subsection (a) (or IC 27-12-8-6(a) before its repeal) in the reasonable belief that damages in an amount not greater than ~~fifteen thirty-five thousand dollars (\$15,000)~~ **(\$35,000)** are adequate compensation for the bodily injury allegedly caused by the health care provider's malpractice; and
- (2) later learns, during the pendency of the action, that the bodily injury is more serious than previously believed and that ~~fifteen thirty-five thousand dollars (\$15,000)~~ **(\$35,000)** is insufficient compensation for the bodily injury;

may move that the action be dismissed without prejudice and, upon dismissal of the action, may file a proposed complaint subject to section 4 of this chapter based upon the same allegations of malpractice as were asserted in the action dismissed under this subsection. In a second action commenced in court following the medical review panel's proceeding on the proposed complaint, the patient may recover an amount greater than ~~fifteen thirty-five thousand dollars (\$15,000)~~; **(\$35,000)**. However, a patient may move for dismissal without prejudice and, if dismissal without prejudice is granted, may commence a second action under this subsection only if the patient's motion for dismissal is filed within two (2) years after commencement of the original action under subsection (a) (or IC 27-12-8-6(a) before its repeal).

(c) If a patient:

- (1) commences an action under subsection (a) (or IC 27-12-8-6(a) before its repeal);
- (2) moves under subsection (b) (or IC 27-12-8-6(b) before its repeal) for dismissal of that action;
- (3) files a proposed complaint subject to section 4 of this chapter based upon the same allegations of malpractice as were asserted in the action dismissed under subsection (b) (or IC 27-12-8-6(b) before its repeal); and
- (4) commences a second action in court following the medical review panel proceeding on the proposed complaint;

the timeliness of the second action is governed by IC 34-18-7-1(c).

(d) A medical liability insurer of a health care provider against whom an action has been filed under subsection (a) (or IC 27-12-8-6(a) before its repeal) shall provide written notice to the state health commissioner as required under IC 34-18-9-2.

SECTION 4. IC 34-18-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) The total amount recoverable for an injury or death of a patient may not exceed the following:

- (1) Five hundred thousand dollars (\$500,000) for an act of malpractice that occurs before January 1, 1990.
- (2) Seven hundred fifty thousand dollars (\$750,000) for an

act of malpractice that occurs:

- (A) after December 31, 1989; and
- (B) before July 1, 1999.
- (3) One million two hundred fifty thousand dollars (\$1,250,000) for an act of malpractice that occurs:
 - (A) after June 30, 1999; and
 - (B) before January 1, 2017.
- (4) **One million six hundred fifty thousand dollars (\$1,650,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2016; and
 - (B) before January 1, 2019.
- (5) **One million eight hundred thousand dollars (\$1,800,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2018; and
 - (B) before January 1, 2023.
- (6) **One million nine hundred fifty thousand dollars (\$1,950,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2022; and
 - (B) before January 1, 2027.
- (7) **Two million one hundred thousand dollars (\$2,100,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2026; and
 - (B) before January 1, 2031.
- (8) **Two million two hundred fifty thousand dollars (\$2,250,000) for an act of malpractice that occurs after December 31, 2030.**

(b) A health care provider qualified under this article (or IC 27-12 before its repeal) is not liable for an amount in excess of the following:

- (1) Two hundred fifty thousand dollars (\$250,000) for an occurrence act of malpractice that occurs:
 - (A) after June 30, 1999; and
 - (B) before January 1, 2017.
- (2) **Four hundred fifty thousand dollars (\$450,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2016; and
 - (B) before January 1, 2019.
- (3) **Five hundred twenty-five thousand dollars (\$525,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2018; and
 - (B) before January 1, 2023.
- (4) **Six hundred thousand dollars (\$600,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2022; and
 - (B) before January 1, 2027.
- (5) **Six hundred seventy-five thousand dollars (\$675,000) for an act of malpractice that occurs:**
 - (A) after December 31, 2026; and
 - (B) before January 1, 2031.
- (6) **Seven hundred fifty thousand dollars (\$750,000) for an act of malpractice that occurs after December 31, 2030.**

(c) Any amount due from a judgment or settlement that is in excess of the total liability of all liable health care providers, subject to subsections (a), (b), and (d), shall be paid from the patient's compensation fund under IC 34-18-15.

(d) If a health care provider qualified under this article (or IC 27-12 before its repeal) admits liability or is adjudicated liable solely by reason of the conduct of another health care provider who is an officer, agent, or employee of the health care provider acting in the course and scope of employment and qualified under this article (or IC 27-12 before its repeal), the total amount that shall be paid to the claimant on behalf of the officer, agent, or employee and the health care provider by the health care provider or its insurer is the following:

- (1) Two hundred fifty thousand dollars (\$250,000) for an act of malpractice that occurs:
 - (A) after June 30, 1999; and
 - (B) before January 1, 2017.
- (2) **Four hundred fifty thousand dollars (\$450,000) for**

an act of malpractice that occurs:

- (A) after December 31, 2016; and
- (B) before January 1, 2019.
- (3) Five hundred twenty-five thousand dollars (\$525,000) for an act of malpractice that occurs:
 - (A) after December 31, 2018; and
 - (B) before January 1, 2023.
- (4) Six hundred thousand dollars (\$600,000) for an act of malpractice that occurs:
 - (A) after December 31, 2022; and
 - (B) before January 1, 2027.
- (5) Six hundred seventy-five thousand dollars (\$675,000) for an act of malpractice that occurs:
 - (A) after December 31, 2026; and
 - (B) before January 1, 2031.
- (6) Seven hundred fifty thousand dollars (\$750,000) for an act of malpractice that occurs after December 31, 2030.

The balance of an adjudicated amount to which the claimant is entitled shall be paid by other liable health care providers or the patient's compensation fund, or both.

(e) In the 2032 legislative session, the general assembly shall review:

- (1) the direct file amount described in IC 34-18-8-6;
- (2) the total amount recoverable for an act of malpractice described in subsection (a); and
- (3) health care provider liability limits described in subsections (b) and (d).

SECTION 5. IC 34-18-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. (a) If the possible liability of the health care provider to the patient is discharged solely through an immediate payment, the limitations on recovery from a health care provider stated in section 3(b) and 3(d) of this chapter apply. ~~without adjustment.~~

(b) If the health care provider agrees to discharge its possible liability to the patient through a periodic payments agreement, the amount of the patient's recovery from a health care provider in a case under this subsection is the amount of any immediate payment made by the health care provider or the health care provider's insurer to the patient, plus the cost of the periodic payments agreement to the health care provider or the health care provider's insurer. For the purpose of determining the limitations on recovery stated in section 3(b) and 3(d) of this chapter and for the purpose of determining the question under IC 34-18-15-3 of whether the health care provider or the health care provider's insurer has agreed to settle its liability by payment of its policy limits, the sum of ~~(+)~~ the present payment of money to the patient (or the patient's estate) by the health care provider (or the health care provider's insurer) plus ~~(2)~~ the cost of the periodic payments agreement expended by the health care provider (or the health care provider's insurer) must exceed:

- (1) one hundred eighty-seven thousand dollars (\$187,000) for an act of malpractice that occurs:
 - (A) after June 30, 1999; and
 - (B) before January 1, 2017; and
- (2) seventy-five percent (75%) of the maximum amount a health care provider is responsible for under section 3(b) and 3(d) of this chapter for an act of malpractice that occurs after December 31, 2016.

(c) More than one (1) health care provider may contribute to the cost of a periodic payments agreement, and in such an instance the sum of the amounts expended by each health care provider for immediate payments and for the cost of the periodic payments agreement shall be used to determine whether the ~~one hundred eighty-seven thousand dollar (\$187,000)~~ requirement in subsection (b) has been satisfied. However, one (1) health care provider or its insurer must be liable for at least fifty thousand dollars (\$50,000).

SECTION 6. IC 34-18-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. If a

health care provider or its insurer has agreed to settle its liability on a claim by payment of its policy limits of ~~two hundred fifty thousand dollars (\$250,000)~~, established in IC 34-18-14-3(b) and IC 34-18-14-3(d), and the claimant is demanding an amount in excess of that amount, the following procedure must be followed:

(1) A petition shall be filed by the claimant in the court named in the proposed complaint, or in the circuit or superior court of Marion County, at the claimant's election, seeking:

- (A) approval of an agreed settlement, if any; or
- (B) demanding payment of damages from the patient's compensation fund.

(2) A copy of the petition with summons shall be served on the commissioner, the health care provider, and the health care provider's insurer, and must contain sufficient information to inform the other parties about the nature of the claim and the additional amount demanded.

(3) The commissioner and either the health care provider or the insurer of the health care provider may agree to a settlement with the claimant from the patient's compensation fund, or the commissioner, the health care provider, or the insurer of the health care provider may file written objections to the payment of the amount demanded. The agreement or objections to the payment demanded shall be filed within twenty (20) days after service of summons with copy of the petition attached to the summons.

(4) The judge of the court in which the petition is filed shall set the petition for approval or, if objections have been filed, for hearing, as soon as practicable. The court shall give notice of the hearing to the claimant, the health care provider, the insurer of the health care provider, and the commissioner.

(5) At the hearing, the commissioner, the claimant, the health care provider, and the insurer of the health care provider may introduce relevant evidence to enable the court to determine whether or not the petition should be approved if the evidence is submitted on agreement without objections. If the commissioner, the health care provider, the insurer of the health care provider, and the claimant cannot agree on the amount, if any, to be paid out of the patient's compensation fund, the court shall, after hearing any relevant evidence on the issue of claimant's damage submitted by any of the parties described in this section, determine the amount of claimant's damages, if any, in excess of the ~~two hundred fifty thousand dollars (\$250,000)~~ health care provider's policy limits established in IC 34-18-14-3(b) and IC 34-18-14-3(d) already paid by the insurer of the health care provider. The court shall determine the amount for which the fund is liable and make a finding and judgment accordingly. In approving a settlement or determining the amount, if any, to be paid from the patient's compensation fund, the court shall consider the liability of the health care provider as admitted and established.

(6) A settlement approved by the court may not be appealed. A judgment of the court fixing damages recoverable in a contested proceeding is appealable pursuant to the rules governing appeals in any other civil case tried by the court.

(7) A release executed between the parties does not bar access to the patient's compensation fund unless the release specifically provides otherwise.

SECTION 7. IC 34-18-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. When a plaintiff is represented by an attorney in the prosecution of the plaintiff's claim **subject to IC 34-18-8-4**, the plaintiff's attorney's fees ~~from any award made from the patient's compensation fund~~ may not exceed, **for an act of malpractice**

committed:

(1) before January 1, 2017, fifteen percent (15%) of any recovery from the fund; **and**

(2) after December 31, 2016, thirty-two percent (32%) of any recovery under IC 34-18-14-3.

(Reference is to SB 28 as printed January 27, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 67, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 6-3.6-9-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A trust account within the state general fund shall be established for each county that imposes a tax. Any revenue derived from the imposition of the tax by a county shall be deposited in that county's trust account in the state general fund. **The county's trust account shall be maintained by the budget agency for each county without consideration for the county's allocation of tax revenue among the purposes authorized by this article.**

(b) Any income earned on money held in a trust account under subsection (a) becomes a part of that trust account.

(c) Any revenue remaining in a trust account established under subsection (a) at the end of a fiscal year does not revert to the state general fund.

SECTION 2. IC 6-3.6-9-15, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) If the budget agency determines that the balance in a county trust account exceeds ~~fifty fifteen~~ percent (50%) (15%) of the certified distributions to be made to the county in the ~~ensuing~~ determination year, the budget agency shall make a supplemental distribution to the county from the county's ~~special trust~~ account. **The budget agency shall use the trust account balance as of December 31 of the year that precedes the determination year by two (2) years (referred to as the "trust account balance year" in this section).**

(b) A supplemental distribution described in subsection (a) must be:

(1) made in January of the ensuing calendar year at the same time as the determinations are provided to the county auditor under subsection (d)(2); and

(2) allocated in the same manner as certified distributions for deposit in a civil unit's rainy day fund established under IC 36-1-8-5.1. However, the part of a supplemental distribution that is attributable to an additional rate authorized under this article:

(A) shall be used for the purpose specified in the statute authorizing the additional rate; and

(B) is not required to be deposited in the unit's rainy day fund.

for the purposes described in this article.

(c) The amount of the a supplemental distribution described in subsection (a) is equal to the amount by which:

(1) the balance in the county trust account; **minus**

(2) the amount of any supplemental or special distribution that has not yet been accounted for in the last known balance of the county's trust account;

exceeds ~~fifty fifteen~~ percent (50%) (15%) of the certified distributions to be made to the county in the ~~ensuing~~ determination year.

(d) For a county that qualifies for a supplemental distribution under this section in a year, the following apply:

(1) Before May 2, the budget agency shall provide the amount of the supplemental distribution for the county to the department of local government finance and to the county auditor.

(2) The department of local government finance shall determine for the county and each taxing unit within the county:

(A) the amount and allocation of the supplemental distribution attributable to the taxes that were imposed as of December 31 of the trust account balance year, including any specific distributions for that year; and

(B) the amount of the allocation for each of the purposes set forth in this article, using the allocation percentages in effect in the trust account balance year.

The department of local government finance shall provide these determinations to the county auditor before May 16 of the determination year.

(3) Before June 1, the county auditor shall distribute to each taxing unit the amount of the supplemental distribution that is allocated to the taxing unit under subdivision (2).

For determinations before 2019, the tax rates in effect under and the allocation methods specified in the former income tax laws shall be used for the determinations under subdivision (2).

(e) For any part of a supplemental distribution attributable to property tax credits under a former income tax or IC 6-3.6-5, the adopting body for the county may allocate the supplemental distribution to property tax credits for not more than the three (3) years after the year the supplemental distribution is received.

(~~e~~) (f) Any income earned on money held in a trust account established for a county under this chapter shall be deposited in that trust account.

(~~d~~) A determination under this section must be made before November 2:

SECTION 3. IC 6-3.6-9-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section refers to a county's trust account maintained under the former local income tax laws set forth in IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7.

(b) Before May 1, 2016, the budget agency shall make a one-time special distribution to each county having a positive balance in the county's trust account as of December 31, 2014.

(c) The amount of the special distribution from a county's trust account is eighty-eight percent (88%) of the balance in the county's trust account as of December 31, 2014, as determined by the budget agency.

(d) The amount of the special distribution to be allocated to each taxing unit in the county is to be determined using the following allocation method for each former tax:

(1) For county adjusted gross income taxes (IC 6-3.5-1.1) as follows:

(A) First, the taxing units that would have received property tax replacement credits shall be allocated that part of the special distribution that would have been considered property tax replacements under IC 6-3.5-1.1.

(B) The remaining amount of the special distribution shall be allocated in the same manner as certified shares under IC 6-3.5-1.1.

(2) For county option income taxes (IC 6-3.5-6), the special distribution shall be allocated in the same manner as certified shares under IC 6-3.5-6.

(3) For county economic development income taxes, the special distribution shall be allocated in the same manner as a certified distribution under IC 6-3.5-7-12(b) or IC 6-3.5-7-12(c), whichever applies.

The amount received by a taxing unit shall be deposited in the unit's rainy day fund established under IC 36-1-8-5.1.

(e) Before May 15, 2016, the budget agency and the department of local government finance shall jointly determine and provide to the county auditor a taxing unit allocation of the special distribution made to the county under this section.

(f) Before June 1, 2016, the county auditor shall distribute to each taxing unit an amount equal to the allocation amount determined under subsection (e).

(g) This section expires July 1, 2017.

SECTION 4. [EFFECTIVE JULY 1, 2016] (a) The general assembly urges the legislative council to assign the following topics to an appropriate interim study committee for study during the 2016 legislative interim:

(1) Whether the general assembly should enact an income tax credit for taxpayers who lawfully occupy real property located in a designated area of some kind after the property has been declared abandoned under IC 36-7-37 or another statute, regulation, or guideline.

(2) Whether the general assembly should enact an income tax credit for taxpayers who make expenditures:

(A) to rehabilitate real property located in a designated area of some kind after the property has been declared abandoned under IC 36-7-37 or another statute, regulation, or guideline; or

(B) for new construction in a designated area.

(b) This SECTION expires January 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to SB 67 as reprinted January 15, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 146, 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 3-13-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The caucus procedure prescribed by this chapter for filling vacancies in local offices must be followed whenever:

(1) required by IC 3-13-6-2, IC 3-13-6-3(a), IC 3-13-7-1, IC 3-13-8-1, IC 3-13-9-1, or IC 3-13-10-1 for filling vacancies in local offices;

(2) IC 5-9-4 requires an officeholder's office to be filled by temporary appointment; or

(3) IC 36-4-6-6.5 requires a member's office to be filled by temporary appointment.

(b) Selections made under this chapter (or under IC 3-2-9 before its repeal on March 4, 1986) are appointments pro tempore for the purposes of Article 2, Section 11 of the Constitution of the State of Indiana."

Page 1, line 3, delete "JULY 1, 2016]:" and insert "JULY 1, 2011 (RETROACTIVE)]:".

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 3. IC 34-13-3-2.5 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011 (RETROACTIVE)]: Sec. 2.5. The addition of section 2(4) of this chapter by SEA 146-2016, SECTION 1, does not apply to a claim or suit in tort against a postsecondary educational institution if filed before March 30, 2016.

SECTION 4. IC 36-4-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The legislative body may do any, or any combination, of the following:

- (1) Expel any member for violation of an official duty.
- (2) Declare the seat of any member vacant if he a member is unable to perform the duties of his the member's office, and the legislative body may:

(A) declare the member's seat vacant; or

(B) act under section 6.5 of this chapter.

(3) (b) The legislative body may adopt its own rules to govern proceedings under this section.

However, (c) A two-thirds (2/3) vote of the legislative body is required to expel a member under subsection (a)(1) or vacate his the member's seat under subsection (a)(2)(A).

SECTION 5. IC 36-4-6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) For purposes of this section, a member has a "disability" if the member is unable to perform the duties of the member's office. For purposes of this section, the term "disability" may include one (1) or more of the following conditions:

- (1) A member's incarceration.
- (2) A member's physical incapacitation.
- (3) A member's impaired intellectual functioning due to physical illness, psychiatric illness, or injury.

(b) A member must be unable to perform the duties of the member's office for a continuous period of ninety (90) days or more before the member with a disability may be replaced. A member with a disability may be replaced by:

- (1) expulsion;
- (2) temporary appointment; or
- (3) the vacating of the member's seat.

(c) If a member of the legislative body is unable to perform the duties of the member's office and the legislative body determines to act under this section, the clerk shall report to the legislative body regarding the member as directed by the legislative body. The clerk's report must include a description of the circumstances of the member's disability, including the nature and extent of the disability.

(d) After receiving the clerk's report under this section, the legislative body may adopt a resolution finding that:

- (1) the member has a disability and should be expelled;
- (2) the member has a disability and should be succeeded with a temporary appointment; or
- (c) the member has a disability and the member's seat should be declared vacant.

(e) If the legislative body adopts a resolution under subsection (c), the clerk shall give the circuit court clerk notice of adoption of the resolution not later than five (5) days after the legislative body adopts the resolution. The circuit court clerk shall give notice of the resolution to the person who has the power to call a caucus under IC 3-13-11. After receiving notice under this subsection, the person who has the power to call a caucus under IC 3-13-11 shall call a caucus as provided in IC 3-13-11.

(f) A member with a disability does not vacate the member's office if the legislative body adopts a resolution under subsection (d)(2). However, the member with a disability is not entitled to the compensation established for a member of the legislative body during the period of the member's disability.

(g) During a member's disability, the member's office must be exercised by a temporary appointment made under

IC 3-13-11 if:

- (1) the member with a disability is not expelled; and
- (2) the seat of the member with a disability is not declared vacant.

(h) The individual who has a temporary appointment as provided in this section serves until the earlier of:

- (1) the date the member's disability ends as provided in subsection (j); or
- (2) the member's term of office expires.

(i) The individual who has a temporary appointment under this section:

- (1) serves as an acting member of the legislative body;
- (2) assumes all the powers and duties of a member of the legislative body; and
- (3) is entitled to the compensation established for a member of the legislative body;

for the period of the temporary appointment.

(j) A member whose disability has ended may give notice to the clerk that the member's disability has ended. A notice under this subsection must be in writing. The clerk shall report to the legislative body the receipt of the member's notice at the meeting of the legislative body that first occurs after the clerk receives the notice.

(k) A member's disability ends after the member gives notice under subsection (j) if the legislative body adopts a resolution finding that the member's disability has ended.

(l) If the legislative body adopts a resolution under subsection (k), the following apply upon the adoption of the resolution, if the member's term of office has not expired:

- (1) The member shall resume the duties of the member's office for the remainder of the term to which the member was elected.
- (2) The member has all the powers of a member of the legislative body.
- (3) The member is entitled to the compensation as a member of the legislative body.
- (4) The temporary appointment of the individual under subsection (g) ends.

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

Renummer all SECTIONS consecutively.

(Reference is to SB 146 as printed January 13, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 213, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 36-8-16.6-11, AS AMENDED BY P.L.157-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The board shall impose an enhanced prepaid wireless charge on each retail transaction. Except as provided in subsection (e), the amount of the charge is one dollar (\$1).

(b) The board may increase the enhanced prepaid wireless charge to ensure adequate revenue for the board to fulfill its duties and obligations under this chapter and IC 36-8-16.7. The following apply to an increase in the enhanced prepaid wireless charge:

- (1) The board may increase the charge only one (1) time after June 30, 2015, and before July 1, 2020.
- (2) The board may increase the charge only after review by the budget committee.

(3) If the board increases the charge, the amount of the increase must be ten cents (\$.10).

(c) A consumer that is the federal government or an agency of the federal government is exempt from the enhanced prepaid wireless charge imposed under this section.

(d) This subsection applies to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. A provider:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (c); and

(2) with respect to prepaid wireless telecommunications service provided to end users by the provider in its capacity as an eligible telecommunications carrier, is liable for the enhanced prepaid wireless charge imposed under subsection (e).

(e) A provider described in subsection (d) shall pay to the board the following charges: (1) Not later than August 1, 2015, a one (1) time charge equal to the product of the following factors: (A) The enhanced prepaid wireless charge established under subsection (a); (B) The number of unique end users for which the provider received reimbursement from the universal service fund during the immediately preceding month; (C) The number of months under the current service agreement between each end user described in clause (B) and the provider for which the provider has received reimbursement from the universal service fund before August 1, 2015; (2) Beginning September 1, 2015, and on the first day of each month thereafter, a provider described in subsection (d) shall pay to the board a charge equal to the product of the following factors:

(A) (1) The enhanced prepaid wireless charge established under subsection (a).

(B) (2) The number of unique end users for which the provider received reimbursement from the universal service fund during the immediately preceding month.

The provider may bill and collect from each end user the charges calculated under this subdivision with respect to the end user. The provider shall determine the manner in which the provider bills and collects the charges. A provider may not bill and collect from an end user an amount greater than the charges paid by the provider to the board with respect to the end user."

Delete pages 2 through 3.

Page 4, delete lines 1 through 7.

Page 6, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 3. IC 36-8-16.7-32, AS AMENDED BY P.L.157-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsections (c) and (e), and subject to subsection (b) and section 48(e) of this chapter, the board shall assess a monthly statewide 911 fee on each standard user that is a customer having a place of primary use in Indiana at a rate that:

- (1) ensures full recovery of the amount needed for the board to make distributions to county treasurers consistent with this chapter; and
- (2) provides for the proper development, operation, and maintenance of a statewide 911 system.

Except as provided in subsection (g), the amount of the fee assessed under this subsection is one dollar (\$1).

(b) The board may adjust the statewide 911 fee to ensure adequate revenue for the board to fulfill the board's duties and obligations under this chapter, subject to the following:

- (1) The following apply to an increase in the fee:
 - (A) The board may increase the fee only one (1) time after June 30, 2015, and before July 1, 2020.
 - (B) The board may increase the fee only after review

by the budget committee.

(C) If the board increases the fee, the amount of the increase must be ten cents (\$0.10).

(2) The fee may not be lowered more than one (1) time in a calendar year.

(3) The fee may not be lowered by an amount that is more than ten cents (\$0.10) without legislative approval.

(c) The fee assessed under this section does not apply to a prepaid user in a retail transaction under IC 36-8-16.6.

(d) An additional fee relating to the provision of 911 service may not be levied by a state agency or local unit of government. An enhanced prepaid wireless charge (as defined in IC 36-8-16.6-4) is not considered an additional fee relating to the provision of wireless 911 service for purposes of this section.

(e) A user is exempt from the fee if the user is any of the following:

(1) The federal government or an agency of the federal government.

(2) The state or an agency or instrumentality of the state.

(3) A political subdivision (as defined in IC 36-1-2-13) or an agency of a political subdivision.

(4) A user that accesses communications service solely through a wireless data only service plan.

(f) This subsection applies to a provider that is designated by the Indiana utility regulatory commission as an eligible telecommunications carrier for purposes of receiving reimbursement from the universal service fund through the administrator designated by the Federal Communications Commission. A provider:

(1) is not considered an agency of the federal government for purposes of the exemption set forth in subsection (e); and

(2) with respect to communications service provided to end users by the provider in its capacity as an eligible telecommunications carrier, is liable for the statewide 911 fee assessed under subsection (g).

(g) ~~A provider described in subsection (f) shall pay to the board the following fees: (1) Not later than August 1, 2015, a fee equal to the product of the following factors: (A) The monthly statewide 911 fee established under subsection (a); (B) The number of unique end users for which the provider received reimbursement from the universal service fund during the immediately preceding month; (C) The number of months under the current service agreement between each end user described in clause (B) and the provider for which the provider has received reimbursement from the universal service fund before August 1, 2015; (2) Beginning September 1, 2015, and on the first day of each month thereafter, a monthly statewide 911 fee equal to the product of the following factors:~~

~~(A) (1) The monthly statewide 911 fee established under subsection (a).~~

~~(B) (2) The number of unique end users for which the provider received reimbursement from the universal service fund during the immediately preceding month.~~

The provider may bill and collect from each end user the fees calculated under this subdivision with respect to the end user. The provider shall determine the manner in which the provider bills and collects the fees. A provider may not bill and collect from an end user an amount greater than the fees paid by the provider to the board with respect to the end user."

Delete pages 7 through 8.

Page 9, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to SB 213 as printed January 13, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 6. IC 20-34-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) This section applies:**

(1) after June 30, 2017; and

(2) to a head coach or assistant coach:

(A) of any interscholastic sport; or

(B) of any intramural sport who elects to comply with this section;

that is not subject to section 6 of this chapter.

(b) Before coaching a student athlete in any sport, a head coach and every assistant coach described in subsection (a) must complete a certified coaching education course that:

(1) contains player safety content on concussion awareness;

(2) requires a head coach or an assistant coach to complete a test demonstrating comprehension of the content of the course; and

(3) awards a certificate of completion to a head coach or an assistant coach who successfully completes the course.

(c) A course described in subsection (b) must be approved by the department, in consultation with a licensed healthcare provider who has expertise in the area of concussions and brain injuries.

(d) A head coach and every assistant coach described in subsection (a) must complete a course described in subsection (b) at least once each two (2) year period. If a head coach or an assistant coach receives notice from the school that new information has been added to the course before the end of the two (2) year period, the head coach or the assistant coach shall:

(1) complete instruction; and

(2) successfully complete a test;

concerning the new information to satisfy subsection (b).

(e) Each school shall maintain all certificates of completion awarded under subsection (b)(3) to each of the school's head coaches and assistant coaches.

(f) A head coach or an assistant coach described in subsection (a) who complies with this section and provides coaching services in good faith is not personally liable for damages in a civil action as a result of a concussion or head injury incurred by a student athlete participating in an athletic activity for which the head coach or the assistant coach provided coaching services, except for an act or omission by the head coach or the assistant coach that constitutes gross negligence or willful or wanton misconduct."

Page 3, delete lines 1 through 25.

(Reference is to SB 234 as printed January 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 250, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 250 as printed January 27, 2016.)

Committee Vote: Yeas 11, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 253, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 253 as printed January 26, 2016.)

Committee Vote: Yeas 11, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 255, 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 13, line 39, delete "two million dollars (\$2,000,000)" and insert **"two million five hundred thousand dollars (\$2,500,000)"**.

(Reference is to ES 255 as printed February 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

Page 1, line 16, after "(b)" insert **"This subsection applies to securities of a qualified entity acquired by the bank, or arising from an agreement entered into with the bank, on or after March 1, 2016."**

Page 2, line 2, delete "county treasurer," and insert **"fiscal officer (as defined in IC 36-1-2-7) of the county,"**.

Page 2, line 23, after "(c)" insert **"This subsection applies to securities of a qualified entity acquired by the bank, or arising from an agreement with the bank, that is covered by subsection (b)."**

Page 2, line 24, delete ":" and insert **"local income tax distributions under IC 6-3.6-9 that would otherwise be distributed to the qualified entity under the schedules in IC 6-3.6-9-12 and IC 6-3.6-9-16."**

Page 2, delete lines 25 through 34.

Page 4, after line 36, begin a new paragraph and insert:

"SECTION 3. An emergency is declared for this act."

(Reference is to SB 306 as printed January 22, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

paragraph and insert:

"SECTION 1. IC 5-10-1.1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) It is the policy of the general assembly to provide a legal and regulatory environment that is conducive to the growth of small business and the recruitment, hiring, and retention of productive and responsible employees. In furtherance of this policy, it is the intent of the general assembly to foster an environment that encourages small businesses to provide retirement savings opportunities to their employees by facilitating access to efficient, cost effective, employer based retirement savings plans.

(b) The auditor of state, as administrator of the state employees' deferred compensation plan, is directed to:

(1) study the issues involved with the development of a multiple employer plan for private sector employers located in Indiana consistent with:

(A) the Interpretive Bulletin (80 FR 71936, amending 29 CFR Part 2509) issued by the Employee Benefits Security Administration of the United States Department of Labor on November 18, 2015; and

(B) applicable Internal Revenue Service legal authorities; and

(2) report on the findings of the study described in subdivision (1) not later than December 31, 2016, to:

(A) the budget committee; and

(B) the legislative council in an electronic format under IC 5-14-6.

(c) This section expires July 1, 2017."

Page 2, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-10-16.7, AS AMENDED BY P.L.181-2006, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.7. (a) Except as otherwise provided in this section, all or part of real property is exempt from property taxation if:

(1) the improvements on the real property were constructed, rehabilitated, or acquired for the purpose of providing housing to income eligible persons under the federal low income housing tax credit program under 26 U.S.C. 42;

(2) the real property is subject to an extended use agreement under 26 U.S.C. 42 as administered by the Indiana housing and community development authority; and

(3) the owner of the property has entered into an agreement to make payments in lieu of taxes under IC 36-1-8-14.2 (before its expiration), IC 36-2-6-22 (before its expiration), or IC 36-3-2-11 (before its expiration).

(b) For assessment dates after December 31, 2017, all or part of real property is exempt from property taxation if:

(1) the conditions specified in subsection (a)(1) through (a)(3) are met; and

(2) before January 1, 2018:

(A) the real property was exempt from property taxation under this section for one (1) or more assessment dates;

(B) a person filed an application seeking bond financing with a political subdivision with respect to the real property;

(C) a person filed an application with the Indiana housing and community development authority seeking tax credits under 26 U.S.C. 42 with respect to the real property; or

(D) the real property was the subject of a resolution for affordable housing adopted by a political subdivision.

- (c) This section may not be construed in such a way as to:
- (1) alter the terms of an agreement with the holders of any outstanding notes, bonds, or other obligations of an issuing body;
 - (2) authorize the issuing body to alter the terms of an agreement described in subdivision (1); or
 - (3) impair, or authorize the issuing body to impair, the rights and remedies of any creditor of the issuing body."

Delete pages 3 through 6.

Page 7, delete lines 1 through 10.

Page 14, delete lines 13 through 26.

Page 16, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 18. IC 6-2.5-4-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.2. (a) As used in this section, "facilitator" means a person who:**

- (1) **contracts or otherwise enters into an agreement:**
 - (A) with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and
 - (B) to market the room, lodging, or accommodation through the Internet; and
- (2) **accepts payment from the consumer for the room, lodging, or accommodation.**

The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act (IC 25-34.1) or the owner of the room, lodging, or accommodation.

(b) A facilitator shall give to the consumer of the room, lodging, or accommodation an itemized statement separately stating any amount collected by the person renting or furnishing the room, lodging, or accommodation for:

- (1) the state gross retail or use tax; and
- (2) any innkeeper's tax due under IC 6-9.

(c) A penalty of twenty-five dollars (\$25) is imposed for each transaction described in subsection (b) in which a facilitator fails to separately state:

- (1) the state gross retail or use tax; and
- (2) any innkeeper's tax due under IC 6-9."

Delete page 17.

Page 18, delete lines 1 through 22, begin a new paragraph and insert:

"SECTION 19. IC 6-2.5-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: **Sec. 9. (a) A person is a retail merchant making a retail transaction when the person sells tangible personal property which:**

- (1) is to be added to a structure or facility by the purchaser; and
- (2) after its addition to the structure or facility, would become a part of the real estate on which the structure or facility is located.

(b) **A contractor is a retail merchant making a retail transaction when the contractor:**

- (1) **disposes of tangible personal property; or**
- (2) **converts tangible personal property into real property;**

under a time and material contract. As such a retail merchant, a contractor described in this subsection shall collect, as an agent of the state, the state gross retail tax on the resale of the construction material and remit the state gross retail tax as provided in this article.

(b) (c) Notwithstanding subsection (a); subsections (a) and (b), a transaction described in subsection (a) or (b) is not a retail transaction, if the ultimate purchaser or recipient of the property to be added to the a structure or facility would be exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility."

Page 19, line 5, delete "P.L.250-2015," and insert "SEA 23-2016, SECTION 4,".

Page 19, line 6, delete "SECTION 12,".

Page 19, line 34, after "(B)" insert "**for taxable years beginning after December 31, 2017.**"

Page 23, line 12, delete "intangible".

Page 28, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 24. IC 6-3-1-11, AS AMENDED BY P.L.242-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, 2015; 2016.**

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, 2015; 2016, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, 2015; 2016, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, 2015; 2016, that is effective for any taxable year that began before January 1, 2015; 2016, and that affects:

- (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);
- (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or
- (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

(d) This subsection applies to a taxable year ending before January 1, 2013. The following provisions of the Internal Revenue Code that were amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) are treated as though they were not amended by the Tax Relief Act, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312):

- (1) Section 1367(a)(2) of the Internal Revenue Code pertaining to an adjustment of basis of the stock of shareholders.
- (2) Section 871(k)(1)(C) and 871(k)(2)(C) of the Internal Revenue Code pertaining the treatment of certain dividends of regulated investment companies.
- (3) Section 897(h)(4)(A)(ii) of the Internal Revenue Code pertaining to regulated investment companies qualified entity treatment.
- (4) Section 512(b)(13)(E)(iv) of the Internal Revenue Code pertaining to the modification of tax treatment of certain payments to controlling exempt organizations.
- (5) Section 613A(c)(6)(H)(ii) of the Internal Revenue Code pertaining to the limitations on percentage depletion in the case of oil and gas wells.
- (6) Section 451(i)(3) of the Internal Revenue Code pertaining to special rule for sales or dispositions to implement Federal Energy Regulatory Commission or

state electric restructuring policy for qualified electric utilities.

(7) Section 954(c)(6) of the Internal Revenue Code pertaining to the look-through treatment of payments between related controlled foreign corporation under foreign personal holding company rules.

The department shall develop forms and adopt any necessary rules under IC 4-22-2 to implement this subsection.

SECTION 25. IC 6-3-3-12, AS AMENDED BY P.L.182-2009(ss), SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) As used in this section, "account" has the meaning set forth in IC 21-9-2-2.

(b) As used in this section, "account beneficiary" has the meaning set forth in IC 21-9-2-3.

(c) As used in this section, "account owner" has the meaning set forth in IC 21-9-2-4.

(d) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.

(e) As used in this section, "contribution" means the amount of money directly provided to a college choice 529 education savings plan account by a taxpayer. A contribution does not include any of the following:

(1) Money credited to an account as a result of bonus points or other forms of consideration earned by the taxpayer that result in a transfer of money to the account.

(2) Money transferred from any other qualified tuition program under Section 529 of the Internal Revenue Code or from any other similar plan.

(f) As used in this section, "nonqualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is not a qualified withdrawal.

(g) As used in this section, "qualified higher education expenses" has the meaning set forth in IC 21-9-2-19.5.

(h) As used in this section, "qualified withdrawal" means a withdrawal or distribution from a college choice 529 education savings plan that is made:

(1) to pay for qualified higher education expenses, excluding any withdrawals or distributions used to pay for qualified higher education expenses if the withdrawals or distributions are made from an account of a college choice 529 education savings plan that is terminated within twelve (12) months after the account is opened;

(2) as a result of the death or disability of an account beneficiary;

(3) because an account beneficiary received a scholarship that paid for all or part of the qualified higher education expenses of the account beneficiary, to the extent that the withdrawal or distribution does not exceed the amount of the scholarship; or

(4) by a college choice 529 education savings plan as the result of a transfer of funds by a college choice 529 education savings plan from one (1) third party custodian to another.

A qualified withdrawal does not include a rollover distribution or transfer of assets from a college choice 529 education savings plan to any other qualified tuition program under Section 529 of the Internal Revenue Code or to any other similar plan.

(i) As used in this section, "taxpayer" means:

(1) an individual filing a single return; or

(2) a married couple filing a joint return.

(j) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

(1) Twenty percent (20%) of the amount of the total contributions made by the taxpayer to an account or accounts of a college choice 529 education savings plan during the taxable year.

(2) One thousand dollars (\$1,000).

(3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(k) A taxpayer who makes a contribution to a college choice 529 education savings plan is considered to have made the contribution on the date that:

(1) the taxpayer's contribution is postmarked or accepted by a delivery service, for contributions that are submitted to a college choice 529 education savings plan by mail or delivery service;

(2) the taxpayer's electronic funds transfer is initiated, for contributions that are submitted to a college choice 529 education savings plan by electronic funds transfer; or

(3) the taxpayer unambiguously issues instructions or executes an action that is reasonably sufficient to result in a contribution to a college choice 529 education savings plan, if subdivisions (1) and (2) do not apply.

~~(l)~~ **(l)** A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

~~(m)~~ **(m)** A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

~~(n)~~ **(n)** To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

~~(o)~~ **(o)** An account owner of an account of a college choice 529 education savings plan must repay all or a part of the credit in a taxable year in which any nonqualified withdrawal is made from the account. The amount the taxpayer must repay is equal to the lesser of:

(1) twenty percent (20%) of the total amount of nonqualified withdrawals made during the taxable year from the account; or

(2) the excess of:

(A) the cumulative amount of all credits provided by this section that are claimed by any taxpayer with respect to the taxpayer's contributions to the account for all prior taxable years beginning on or after January 1, 2007; over

(B) the cumulative amount of repayments paid by the account owner under this subsection for all prior taxable years beginning on or after January 1, 2008.

~~(p)~~ **(p)** Any required repayment under subsection (o) shall be reported by the account owner on the account owner's annual state income tax return for any taxable year in which a nonqualified withdrawal is made.

~~(q)~~ **(q)** A nonresident account owner who is not required to file an annual income tax return for a taxable year in which a nonqualified withdrawal is made shall make any required repayment on the form required under IC 6-3-4-1(2). If the nonresident account owner does not make the required repayment, the department shall issue a demand notice in accordance with IC 6-8.1-5-1.

~~(r)~~ **(r)** The executive director of the Indiana education savings authority shall submit or cause to be submitted to the department a copy of all information returns or statements issued to account owners, account beneficiaries, and other taxpayers for each taxable year with respect to:

(1) nonqualified withdrawals made from accounts of a college choice 529 education savings plan for the taxable year; or

(2) account closings for the taxable year."

Page 33, delete lines 35 through 42.

Delete pages 34 through 48.

Page 49, delete lines 1 through 11.

Page 49, run in lines 40 through 41.

Page 54, delete lines 35 through 37, begin a new paragraph and insert:

"SECTION 58. IC 8-15.5-1-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, a private entity, and, where applicable, a governmental entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(2) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) ~~Except as provided in subsection (c)(1),~~ The general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.

(e) The authority may enter into a public-private agreement for a facility project if the general assembly, by statute, authorizes the authority to enter into a public-private agreement for the facility project.

(f) As permitted by subsection (e), the general assembly authorizes the authority to enter into public-private agreements for the following facility projects:

(1) A state park inn and related improvements in an existing state park located in a county with a population of more than two hundred thousand (200,000) and less than

three hundred thousand (300,000).

(2) Communications systems infrastructure, including:

(A) towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the towers to function as part of the communications system;

(B) any equipment necessary, proper, or convenient to transmit and receive voice and data communications; and

(C) any other necessary, proper, or convenient elements of the communications system.

(3) Larue D. Carter Memorial Hospital in Indianapolis.

(g) The following apply to a public-private agreement for communications systems infrastructure under subsection (f)(2):

(1) The authority may:

(A) use the procedures set forth in IC 8-15.5-4; or

(B) at the authority's option and in its sole discretion, negotiate an agreement with a single offeror.

The authority must issue a request for information before entering into negotiations with a single offeror. If an agreement is negotiated with a single offeror, IC 8-15.5-4-11 and IC 8-15.5-4-12 are the only sections in IC 8-15.5-4 that apply.

(2) This article, and any other applicable laws with respect to establishing, charging, and collecting user fees, including IC 8-15.5-7, do not apply, and the operator may establish, charge, and collect user fees as set forth in the public-private agreement.

(3) Notwithstanding IC 8-15.5-2(2) providing that all improvements and real property must be owned by the authority in the name of the state or by a governmental entity, or both, the public-private agreement may provide that any improvements on any real property interests may be owned by the authority, a governmental entity, an operator, or a private entity.

(4) The authority shall transfer money received from an operator under a ~~lease~~ public-private agreement for communications systems infrastructure under subdivision (f)(2) to the state bicentennial capital account established under IC 4-12-1-14.9.

SECTION 59. IC 8-15.5-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. If a public-private agreement for communications systems infrastructure is negotiated with a single offeror under IC 8-15.5-1-2(g)(1)(B), the requirements of this chapter, except sections 11 and 12 of this chapter, do not apply.**

SECTION 60. IC 8-15.5-4-11, AS AMENDED BY P.L.205-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After the **applicable** procedures required in this chapter have been completed, the authority shall make a determination as to whether the offeror that submitted the selected offer should be designated as the operator for the project and shall submit the authority's determination to the governor and the budget committee.

(b) After review of the authority's determination by the budget committee, the governor may accept or reject the determination of the authority. If the governor accepts the determination of the authority, the governor shall designate the offeror who submitted the selected offer as the operator for the project. The authority shall publish notice of the designation of the operator for the project one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the operator for the project, the authority may execute the public-private agreement with that operator.

(d) The budget committee shall hold a meeting and conduct a review of the determination not later than ninety (90) days after the date the authority's determination is submitted for review."

Page 58, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 65. IC 36-7-4-1104 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1104. (a) As used in this section, "state agency" means all agencies, boards, commissions, departments, and institutions, including state educational institutions, of the state.

(b) ADVISORY—AREA. This chapter does not restrict or regulate (or authorize any political subdivision, legislative body, plan commission, or board of zoning appeals to restrict or regulate) the exercise of the power of eminent domain by the state, ~~or~~ by any state agency, **or by the Indiana finance authority (IC 4-4-11-4)**, or the use of property owned or occupied by the state, ~~or~~ by any state agency, **or by the Indiana finance authority."**

Renumber all SECTIONS consecutively.

(Reference is to SB 309 as reprinted February 3, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 2.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 330, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 16 and 17, begin a new paragraph and insert: "SECTION 2. IC 20-43-4-2, AS AMENDED BY P.L.205-2013, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

- (1) the school corporation; or
- (2) a transferee corporation;

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school ~~corporation~~ **corporation** if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

(b) Each school corporation shall in June of 2013 and in May of each year thereafter provide to the department an estimate of the school corporation's ADM that will result from the count of eligible pupils in the following September. The department may update and adjust the estimate as determined appropriate by the department.

(c) **A new charter school shall submit an enrollment estimate to the department before April 1 of the year the new charter school will be open for enrollment. The department shall use the new charter school's enrollment estimate as the basis for the new charter school's distribution beginning in July and until actual ADM is available. However, if the new charter school's enrollment estimate is greater than eighty percent (80%) of the new charter school's authorized enrollment cap, the department may use that enrollment estimate if the department has reviewed other enrollment data that support that enrollment estimate.**

SECTION 3. [EFFECTIVE JULY 1, 2015 (RETROACTIVE)] (a) **This SECTION applies to a participating innovation network charter school that entered into an agreement under IC 20-25.7-5-2 before January 1, 2016.**

(b) **Notwithstanding IC 20-25.7-5-2(d)(2), the department of education shall treat a participating innovation network charter school in the same manner as a charter school under IC 20-43 when calculating the total amount of state funding to be distributed to the school corporation.**

(c) **This SECTION expires June 30, 2017."**

Renumber all SECTIONS consecutively.

(Reference is to SB 330 as printed January 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 334, 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 18, line 7, after "interim the" insert "**following**".

Page 18, line 7, after "topics" insert ":".

Page 18, line 7, delete "of ways", begin a new line block indented and insert:

"(1) Ways".

Page 18, between lines 9 and 10, begin a new line block indented and insert:

"(2) The effect of the time at which students start the school day, including impacts on student safety, student achievement, and lost instruction time for students."

(Reference is to ESB 334 as printed February 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 10.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 335, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 335 as printed January 26, 2016.)

Committee Vote: Yeas 11, Nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "for purposes of IC 35-45-5." and insert "**for any purpose, including under IC 35-45-5.**"

Page 3, line 28, delete "The" and insert "**Except as provided in subsection (c), the**".

Page 3, line 41, delete "The" and insert "**Except as provided in subsection (c), the**".

Page 4, between lines 6 and 7, begin a new paragraph and insert:

"(c) The division may not adopt rules limiting or regulating:

- (1) rules or the administration of an individual game or contest;**
- (2) the statistical makeup of a game or contest; and**
- (3) the digital platform of a game operator.**

Page 4, line 34, delete "seventy-five" and insert "**at least fifty**".

Page 4, line 34, delete "\$75,000" and insert "**(\$50,000)**".

Page 4, line 35, after "." insert "**The division may increase the initial fee up to seventy-five thousand dollars (\$75,000) to pay for all of the direct and indirect costs of the operation of the division.**"

Page 4, line 36, delete "twenty" and insert "**five**".

Page 4, line 37, delete "\$20,000" and insert "**(\$5,000)**".

Page 8, line 12, after "(A)" insert "**make a reasonable effort to**".

Page 8, delete lines 36 through 42, begin a new paragraph and insert:

"Sec. 30. A game operator may not:

(1) advertise in any publication or medium that is aimed exclusively to juveniles; or

(2) advertise or run promotional activities at:

(A) elementary schools, as defined by IC 20-18-2-4; or

(B) sports venues used exclusively for student sports activities.

SECTION 4. IC 31-25-4-8.5, AS ADDED BY P.L.80-2010, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8.5. In addition to the duties imposed by sections 7 and 8 of this chapter, the bureau shall do the following:

(1) Share data regarding obligors who are delinquent with:

(A) a licensed owner, operating agent, and trustee in accordance with IC 4-33-4-27;

(B) a permit holder and trustee in accordance with IC 4-35-4-16; ~~and~~

(C) the state lottery commission; **and**

(D) a game operator or licensee in accordance with IC 4-33-24-29;

to allow for the interception of cash winnings and prizes from the obligors.

(2) Distribute money collected from the persons described in subdivision (1) according to federal child support laws and regulations."

Delete pages 9 through 10.

Page 11, delete line 1.

Page 11, line 6, delete "horse racing" and insert "**gaming**".

Page 11, after line 7, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of the imposition and collection of income tax on paid fantasy sports game operators and players.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016.

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

Re-number all SECTIONS consecutively.

(Reference is to ESB 339 as printed February 26, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 4.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ES0357 as printed February 26, 2016.)

Committee Vote: Yeas 23, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 381, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-7-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Unless the context requires otherwise, "cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition in this section shall not be construed to include cigars. Excepting where context clearly shows that cigarettes alone are intended, the term "cigarettes" shall mean and include cigarettes ~~cigarette papers or wrappers, and tubes~~ upon which a tax is imposed by sections 12 and 13 of this chapter.

SECTION 2. IC 6-7-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Unless the context requires otherwise, "individual package" shall mean and include every individual packet, box, or other container used to contain or to convey cigarettes to the consumer. ~~It shall also mean and include books and sets of papers, wrappers or tubes.~~

SECTION 3. IC 6-7-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. Unless the context requires otherwise, "stamps" shall mean the stamps printed, manufactured, or made by authority of the department, as provided in this chapter, and issued, sold, or circulated by it and by the use of which the tax levied under this chapter is paid, or any impression, indicium, or character imprinted upon individual packages of cigarettes ~~cigarette papers, or tubes~~ by a metered stamping machine or other device such as may be authorized by the department for use by the holder of a certificate under the provisions of this chapter and by the use of which the tax levied under this chapter shall be paid.

SECTION 4. IC 6-7-1-12, AS AMENDED BY P.L.218-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. ~~(a)~~ The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes within the state of Indiana:

(1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of four and nine hundred seventy-five thousandths cents (\$0.04975) per individual cigarette.

(2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of six and six hundred twelve thousandths cents (\$0.06612) per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 ½) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 ¾) inches (or fraction thereof) as a separate cigarette.

~~(b) Upon all cigarette papers, wrappers, or tubes, made or prepared for the purpose of making cigarettes, which are sold, exchanged, bartered, given away, or otherwise disposed of within the state of Indiana (other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes); the following taxes are imposed; and shall be collected and paid as provided in this chapter:~~

~~(1) On fifty (50) papers or less, a tax of one-half cent (\$0.005);~~

~~(2) On more than fifty (50) papers but not more than one hundred (100) papers, a tax of one cent (\$0.01);~~

~~(3) On more than one hundred (100) papers, one-half cent (\$0.005) for each fifty (50) papers or fractional part thereof.~~

~~(4) On tubes, one cent (\$0.01) for each fifty (50) tubes or fractional part thereof.~~

SECTION 5. IC 6-7-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. All taxes levied, assessed, and imposed by this chapter shall be paid and the payment thereof evidenced by the purchase of stamps and by affixing the same to the individual packages ~~cigarette papers, wrappers, and tubes~~ and duly cancelling ~~said these~~ stamps, as provided in this chapter, but there shall be no further tax assessed, imposed, or collected by virtue of this chapter upon the sale or use of any package of cigarettes ~~cigarette papers, wrappers, or tubes~~ upon which ~~said these~~ stamps have been previously affixed as provided by this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 381 as printed January 27, 2016.) and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 1.

BROWN T, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 167

Representative Cherry called down Engrossed Senate Bill 167 for third reading:

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

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

Roll Call 251: 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.

Engrossed Senate Bill 380

Representative DeVon called down Engrossed Senate Bill 380 for third reading:

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

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

Roll Call 252: yeas 64, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 362

Representative Cox called down Engrossed Senate Bill 362 for third reading:

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

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

Roll Call 253: 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.

Engrossed Senate Bill 350

Representative Beumer called down Engrossed Senate Bill 350 for third reading:

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

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

Roll Call 254: 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.

Engrossed Senate Bill 347

Representative Wolkins called down Engrossed Senate Bill 347 for third reading:

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

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

Roll Call 255: 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.

Engrossed Senate Bill 305

Representative Frizzell called down Engrossed Senate Bill 305 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 256: 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.

Representative Cherry is excused.

Engrossed Senate Bill 300

Representative Mahan called down Engrossed Senate Bill 300 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 257: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 279

Representative Truitt called down Engrossed Senate Bill 279 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 258: 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.

Engrossed Senate Bill 238

Representative Morrison called down Engrossed Senate Bill 238 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources and to make an appropriation.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 259: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 232

Representative Price called down Engrossed Senate Bill 232 for third reading:

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

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

Roll Call 260: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 189

Representative Frye called down Engrossed Senate Bill 189 for third reading:

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

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

Roll Call 261: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 187

Representative McNamara called down Engrossed Senate Bill 187 for third reading:

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

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

Roll Call 262: 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.

Engrossed Senate Bill 173

Representative Frizzell called down Engrossed Senate Bill 173 for third reading:

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

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

Roll Call 263: 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.

RESOLUTIONS ELIGIBLE FOR ADOPTION

House Concurrent Resolution 24

The Speaker handed down on its passage House Concurrent Resolution 24, introduced by Representatives Lehe and VanNatter:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the section of State Road 25 in Carroll County from State Road 39 to E. 900 N. As

the Carroll County Veterans Memorial Highway.

The resolution was read a second time and adopted. Roll Call 264: yeas 95, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Head.

Representative Gutwein is excused.

House Concurrent Resolution 28

The Speaker handed down on its passage House Concurrent Resolution 28, introduced by Representatives Dermody and Pelath:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename that part of the road from the city limits on the northeast side of LaPorte along State Road 2 to the intersection with U.S. Highway 20 at Rolling Prairie as the "Governor Harold W. Handley Highway".

The resolution was read a second time and adopted. Roll Call 265: yeas 95, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Arnold and Charbonneau.

House Concurrent Resolution 33

The Speaker handed down on its passage House Concurrent Resolution 33, introduced by Representative Saunders:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge on Highway 52 over the Flatrock River is Rushville the "Joseph Cotton Bridge".

The resolution was read a second time and adopted. Roll Call 266: yeas 95, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Leising.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 333, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Page 9, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 12. IC 6-3.5-5-8, AS AMENDED BY P.L.205-2013, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If an adopting entity adopts an ordinance to impose, rescind, or change the rates of the wheel tax, the adopting entity shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles **and to the commissioner of the department of state revenue.**

SECTION 13. IC 6-3.5-5-9, AS AMENDED BY P.L.149-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. A person may not register a vehicle in a county which has adopted the wheel tax unless the person pays the wheel tax due, if any, to the bureau of motor vehicles **or (if applicable) to the department of state revenue.** The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time of registration. The bureau of motor vehicles **or (if applicable) the department of state revenue** shall collect the wheel tax due, if any, at the time a motor vehicle is registered. The

department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each wheel tax collection made under this chapter.

SECTION 14. IC 6-3.5-5-18, AS AMENDED BY P.L.149-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) The owner of a vehicle who knowingly registers the vehicle without paying wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles **or of the department of state revenue** who recklessly issues a registration on any vehicle without collecting wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor."

Page 15, line 24, after "vehicles" delete "." and insert "**and to the commissioner of the department of state revenue.**".

Page 15, line 36, after "vehicles" delete "." and insert "**or (if applicable) to the department of state revenue.**".

Page 15, line 38, after "vehicles" insert "**or (if applicable) the department of state revenue.**".

Page 17, line 19, after "vehicles" insert "**or of the department of state revenue.**".

Page 31, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 28. IC 6-8.1-3-25, AS ADDED BY P.L.213-2015, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty program carried out under section 17 of this chapter after June 30, 2015, as follows:

(1) County income tax collected under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 (repealed January 1, 2017) shall be distributed to counties in the same manner as otherwise provided by the appropriate chapter of the Indiana Code.

(2) Eight percent (8%) of inheritance tax collected for resident decedents shall be distributed to counties in the manner provided under IC 6-4.1-9-6.

(3) County innkeeper's tax collected shall be deposited as required by IC 6-9.

(4) County and municipal food and beverage tax collected shall be deposited as required by IC 6-9.

(5) County admissions taxes collected shall be deposited as required by IC 6-9-13 and IC 6-9-28.

(6) Aircraft license excise tax collected shall be deposited as required by IC 6-6-6.5-21.

(7) Auto rental excise tax collected shall be deposited as required by IC 6-6-9-11.

(8) Supplemental auto rental excise tax shall be deposited as otherwise required by the appropriate chapter of the Indiana Code.

(9) Financial institutions tax collected shall be deposited as required by IC 6-5.5-8-2.

(+) (10) After making the deposits required under subdivisions (1) through (9), the first eighty-four million dollars (\$84,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.

(-) (11) After making the deposits required under subdivision subdivisions (1) through (10), the next six million dollars (\$6,000,000) collected shall be transferred to the Indiana department of transportation to reimburse the Indiana department of transportation for money expended by the Indiana department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line. However, the total amount transferred under this subdivision to the Indiana department of transportation may not exceed the lesser of:

(A) six million dollars (\$6,000,000); or

(B) the total amount expended by the Indiana

department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line after June 30, 2015, and before July 1, 2017.

(12) After making the deposits required under subdivisions (1) through (11), the next twenty million seven hundred thousand dollars (\$20,700,000) must be deposited into the pension stabilization fund established by IC 5-10.4-2-5. The amount deposited under this subdivision is appropriated to the board of trustees of the Indiana public retirement system for the purposes of the pension stabilization fund.

(13) After making the deposits required under subdivisions (1) through (12), the next forty-two million dollars (\$42,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.

(+) (14) Any remaining amounts collected must be deposited into the state general fund."

Page 36, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 40. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated from the Indiana regional cities development fund established by IC 5-28-38-2 forty-two million dollars (\$42,000,000) for the purpose of funding a third grant under the regional cities initiative.**

(b) This SECTION expires June 30, 2017."

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 26, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 8.

BROWN T, Chair

Report adopted.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1130 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1215 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1298 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

NEGELE

Motion prevailed.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 15, 40, 87, 142, 160, 169, 172, 174, 177, 183, 214, 304, 323 and 355.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

- EHB 1130 Conferees: Wesco and Forestal
Advisors: Speedy and Stemler
- EHB 1215 Conferees: Cherry and Riecken
Advisors: Thompson, Braun, DeLaney
- EHB 1233 Conferees: Olthoff and Hale
Advisors: DeVon and Lawson
- EHB 1298 Conferees: Negele and Errington
Advisors: Truitt, Cherry, Bartlett

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

- ESB 20 Conferees: Ober and Moseley
Advisors: Lyness, Austin, DeLaney

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:55 p.m. with the Speaker in the Chair.

Representatives Gutwein and Macer, who had been excused, are now present. Representative Behning is excused.

Upon request of Representative Pryor, the Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 267: 67 present. The Speaker declared a quorum present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 14

Representative Eberhart called down Engrossed Senate Bill 14 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 14-2)

Mr. Speaker: I move that Engrossed Senate Bill 14 be amended to read as follows:

- Page 20, line 7, reset in roman "(e)".
 - Page 20, line 7, delete "(g)".
 - Page 20, delete lines 22 through 29.
 - Page 20, line 30, reset in roman "(e)".
 - Page 20, line 30, delete "(g)".
- (Reference is to ESB 14 as printed February 26, 2016.)

EBERHART

Motion prevailed.

HOUSE MOTION
(Amendment 14-1)

Mr. Speaker: I move that Engrossed Senate Bill 14 be amended to read as follows:

- Page 28, after line 42, begin a new paragraph and insert:
"SECTION 19. IC 35-44.1-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. As used in this chapter, "emergency incident" includes:**
- (1) a structure or vehicle that is on fire;**
- (2) a motor vehicle accident;**
- (3) an accident involving hazardous materials;**
- (4) a crime scene;**
- (5) a police investigation; and**

(6) a location where an individual is being arrested.
SECTION 20. IC 35-44.1-4-2, AS ADDED BY P.L.126-2012, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that:

- (1) is:**
 - (1) (A) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or**
 - (2) (B) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident; whichever is greater; or**
 - (2) is a specific distance less than seventy-five (75) feet in all directions from the perimeter of the emergency scene or incident that is articulated by a law enforcement officer."**

Renumber all SECTIONS consecutively.
(Reference is to ESB 14 as printed February 26, 2016.)
PRICE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 11

Representative Clere called down Engrossed Senate Bill 11 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 11-1)

Mr. Speaker: I move that Engrossed Senate Bill 11 be amended to read as follows:

Page 11, after line 41, begin a new paragraph and insert:
"SECTION 9. IC 12-15-13-5 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 5: The office shall reimburse at a reimbursement rate for services provided by an ICF/MR (as defined in IC 16-29-4-2) that is three percent (3%) greater than the Medicaid reimbursement rate for the services calculated using the methodology in effect on December 31, 2013.~~

SECTION 10. IC 12-15-32-2, AS AMENDED BY P.L.213-2015, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The office shall reimburse community residential facilities for the developmentally disabled for the cost of the Medicaid services that are provided by the facility to individuals who are eligible for Medicaid.

~~(b) The office shall reimburse at a reimbursement rate for services provided by a community residential facility for the developmentally disabled that is three percent (3%) greater than the Medicaid reimbursement rate for the services calculated using the methodology in effect on December 31, 2013: **405 IAC 1-12-27 is void."**~~

Renumber all SECTIONS consecutively.
(Reference is to ESB 11 as printed February 26, 2016.)
T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 31

Representative Koch called down Engrossed Senate Bill 31 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 31-1)

Mr. Speaker: I move that Engrossed Senate Bill 31 be amended to read as follows:

- Page 2, line 40, delete "Two (2)" and insert "**One (1)**".
 - Page 2, line 41, delete "residents" and insert "**a resident**".
- (Reference is to ESB 31 as printed February 26, 2016.)

KOCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 162

Representative Kirchhofer called down Engrossed Senate Bill

162 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 162-1)

Mr. Speaker: I move that Engrossed Senate Bill 162 be amended to read as follows:

Delete the title and insert the following:
A BILL FOR AN ACT concerning health.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "public health, behavioral health, and human services committee" refers to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.

(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to the public health, behavioral health, and human services committee or another appropriate study committee the topics of:

Page 3, line 7, delete "(c) A", begin a new line block indented and insert:

"(1) Whether a".

Page 3, line 7, delete "under this section".

Page 3, delete lines 12 through 42, begin a new line block indented and insert:

"(2) If a hospital conducts immunizations, which individuals must be immunized and what exceptions to the immunization requirement should be granted.

(3) Any other issues concerning immunizations related to the safety of patients and the safety of individuals receiving the immunizations.

(d) If the legislative council assigns the topics described in subsection (c) to the public health, behavioral health, and human services committee or another appropriate study committee, the public health, behavioral health, and human services committee or the appropriate study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 2. An emergency is declared for this act."

Delete page 4.

(Reference is to ESB 162 as printed February 26, 2016.)

SHACKLEFORD

Motion prevailed. The bill was ordered engrossed.

Representative Riecken is excused.

Engrossed Senate Bill 216

Representative Truitt called down Engrossed Senate Bill 216 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 216-3)

Mr. Speaker: I move that Engrossed Senate Bill 216 be amended to read as follows:

Page 1, line 4, after "or" insert ", before January 1, 2021,".

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"SECTION 2. IC 9-21-18-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) As used in this section, "electronic traffic ticket" has the meaning set forth in IC 9-30-3-2.5.

(b) As used in this section, "legislative body" has the meaning set forth in IC 36-1-2-9.

(c) As used in this section, "moving traffic ordinance" refers to an ordinance regulating the operation of a motor vehicle only while the motor vehicle is in motion.

(d) As used in this section, "residential complex traffic ordinance" refers to an ordinance adopted under subsection (e).

(e) A unit may enforce a residential complex traffic ordinance on the property of a residential complex if all the following conditions are met:

(1) The unit's legislative body adopts the ordinance under this section.

(2) The owner of the residential complex requests in writing from the unit's executive that the unit enforce the residential complex traffic ordinance adopted under subdivision (1) on the property of the residential complex.

(3) The owner of the residential complex enters into an enforcement contract with the unit.

(f) A residential complex traffic ordinance must satisfy the following:

(1) The ordinance must be a moving traffic ordinance.

(2) The ordinance may not duplicate or conflict with Indiana law that is otherwise enforceable on the property of a residential complex.

(3) The ordinance must be reasonably consistent with other ordinances adopted by the unit.

(4) The ordinance must require the owner of the residential complex to enter into an enforcement contract with the unit as provided in subsection (h).

(5) If the unit's law enforcement agency (as defined in IC 35-47-15-2) issues electronic traffic tickets, the ordinance must require the unit's law enforcement agency to issue an electronic traffic ticket for a violation of the unit's ordinance on the property of a residential complex.

(g) A residential complex traffic ordinance may do the following:

(1) Incorporate by reference other moving traffic ordinances of the unit if those other ordinances do not conflict with this section.

(2) Define the term "residential complex" for purposes of the ordinance.

(3) Require the unit's executive to report to the legislative body regarding enforcement contracts entered into with the unit and any other information required by the legislative body regarding the residential complex traffic ordinance.

(h) An enforcement contract must satisfy the following:

(1) The contract must require the owner of the residential complex to install signs notifying residents of and visitors to the residential complex of the relevant provisions of the residential complex traffic ordinance. Signs installed under this subdivision must be placed in a sufficient number of locations to clearly mark where the relevant provisions of the ordinance applies. A sign placed at the entrance to the residential complex does not satisfy this subdivision.

(2) The unit may not charge the owner of the residential complex a fee for enforcing the residential complex traffic ordinance on the property of the residential complex.

(3) Enforcement of the residential complex traffic ordinance in the residential complex may not begin until both of the following have occurred:

(A) The enforcement contract is signed by the unit and the residential complex.

(B) The residential complex has complied with subdivision (1), as determined by the unit.

(i) If the owner of a residential complex enters into an enforcement contract with a unit, then neither the owner nor the residential complex is subject to or incurs any

liability, sanction, or adverse legal consequence for any loss or injury resulting from the manner in which the unit's law enforcement agency discharged its duties under the enforcement contract.

(j) Neither a residential complex nor its owner is subject to or incurs any liability, sanction, or adverse legal consequence for the owner's decision not to enter into an enforcement contract with a unit. The failure to enter into an enforcement contract with a unit is not admissible in any legal proceeding brought against a residential complex or its owner.

(k) This section expires December 31, 2020.

SECTION 3. IC 33-24-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. (a) Beginning in 2018, not later than March 1 of each year, the division of state court administration shall submit a report to the legislative council in an electronic format under IC 5-14-6 providing the following information relating to the enforcement of residential complex traffic ordinances on the property of residential complexes under contracts entered into under IC 9-21-18-4.1:**

- (1) The number of traffic stops.
- (2) The number of citations issued.
- (3) The number of traffic stops and citations issued.

(b) The report must set forth information required under subsection (a) by:

- (1) each unit that has adopted a residential complex traffic ordinance:
 - (A) under IC 9-21-18-4.1; and
 - (B) through issuance of electronic traffic tickets (as defined in IC 9-30-3-2.5); and
- (2) the totals for all units described in subdivision (1).

(c) The division of state court administration must issue a report under this section for each of the following years:

- (1) 2017.
- (2) 2018.
- (3) 2019.
- (4) 2020.

(d) This section expires July 1, 2021.

SECTION 4. IC 34-30-2-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 28.5. (a) IC 9-21-18-4.1 (Concerning residential complexes and enforcement contracts for enforcement of moving traffic ordinances).**

(b) This section expires December 31, 2020."

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 216 as printed February 12, 2016.)

PRICE

The Speaker ordered the roll of the House to be called. Roll Call 268: yeas 78, nays 15. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 248

Representative Moseley called down Engrossed Senate Bill 248 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 248-1)

Mr. Speaker: I move that Engrossed Senate Bill 248 be amended to read as follows:

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

"SECTION 1. IC 9-21-5-2, AS AMENDED BY P.L.188-2015, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 2. (a)** Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit

specified in this section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

- (1) Thirty (30) miles per hour in an urban district.
- (2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), (4), (5), (6), and (7).
- (3) Seventy (70) miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).
- (4) Sixty-five (65) miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
- (5) Sixty-five (65) miles per hour on:
 - (A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County; **and**
 - ~~(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and~~
 - ~~(C) (B)~~ a highway classified by the Indiana department of transportation as an INDOT Freeway.
- (6) On a highway that is the responsibility of the Indiana finance authority established by IC 4-4-11:
 - (A) seventy (70) miles per hour for:
 - (i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or
 - (ii) a bus; or
 - (B) sixty-five (65) miles per hour for a motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds.
- (7) ~~Sixty (60)~~ **Sixty-five (65)** miles per hour on a highway that:
 - (A) is not designated as a part of the national system of interstate and defense highways;
 - (B) has four (4) or more lanes;
 - (C) is divided into two (2) or more roadways by:
 - (i) an intervening space that is unimproved and not intended for vehicular travel;
 - (ii) a physical barrier; or
 - (iii) a dividing section constructed to impede vehicular traffic; and
 - (D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
- (8) Fifteen (15) miles per hour in an alley.

(b) A person who violates subsection (a) commits a Class C infraction."

Renumber all SECTIONS consecutively.

(Reference is to ESB 248 as printed February 26, 2016.)

HARMAN

Representative Pierce rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

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

Engrossed Senate Bill 294

Representative Dermody called down Engrossed Senate Bill 294 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

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

Engrossed Senate Bill 295

Representative Baird called down Engrossed Senate Bill 295 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 295-1)

Mr. Speaker: I move that Engrossed Bill 295 be amended to read as follows:

Delete the title and insert the following:

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

Page 4, between lines 15 and 16, begin a new line block indented and insert:

"(12) To ensure that the department's biennial budget request to the general assembly includes a sufficient amount for the training, certification, and recertification of district, county, and city service officers."

Page 5, delete lines 19 through 33, begin a new paragraph and insert:

"SECTION 6. IC 10-17-12-0.7, AS AMENDED BY P.L.169-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.7. (a) The purpose of the fund established in section 8 of this chapter is to provide

(1) short term financial assistance, **including emergency one (1) time grants**, to families of qualified service members for hardships that result from the qualified service members' active duty **military service. and**

(2) **funding for:**

(A) grants for reimbursement for training; and

(B) the purchase of computer equipment and software; for county and city veterans' service officers.

(b) Funding for the purposes described in subsection (a)(2) must be provided from the amount transferred to the fund under section 13 of this chapter."

Page 6, line 27, strike "The fund may also be used to provide for".

Page 6, strike lines 28 through 29.

Page 7, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 11. IC 10-17-12-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13. (a) The commission shall transfer one hundred eighty thousand dollars (\$180,000) from the veterans' affairs trust fund established by IC 10-17-13-3 to the fund.

(b) There is appropriated to the commission one hundred eighty thousand dollars (\$180,000) from the fund for:

(1) grants for training county and city veterans' service officers under IC 10-17-1-10; and

(2) the purchase of computer equipment and software to be used by the city and county veterans' service officers.

(c) A county or city veterans' service officer may receive a grant for reimbursement for training expenses associated with service officer training, including travel and incidental expenses of eligible county and city veterans' service officers seeking initial or renewal service officer accreditation. A county or city veterans' service officer may receive a grant under this subsection in an amount not to exceed five hundred dollars (\$500) for reimbursement. The commission shall set standards for the reimbursement grants. A county or city veterans' service officer may apply to the commission for a reimbursement grant, and the commission may make a grant based on the commission's review of an application.

(d) A county or city that employs a veterans' service officer may receive a grant, in an amount not to exceed one thousand two hundred dollars (\$1,200), for reimbursement for computer

equipment and software to enable the veterans' service officer to access national data bases for benefits for veterans. The commission shall set standards for the review of grants for the purchase of computer equipment and software under this subsection. A county or city may apply to the commission for a grant for reimbursement for the purchase of computer equipment and software, and the commission may make a grant based on the commission's review of an application."

Page 8, delete lines 1 through 35.

Renumber all SECTIONS consecutively.

(Reference is to ESB 295 as printed February 26, 2016.)

KLINKER

Upon request of Representatives Pelath and Klinker, the Speaker ordered the roll of the House to be called. Roll Call 269: yeas 29, nays 66. Motion failed.

HOUSE MOTION (Amendment 295-3)

Mr. Speaker: I move that Engrossed Senate Bill 295 be amended to read as follows:

Page 7, line 7, delete "must" and insert "may".

(Reference is to ESB 295 as printed February 26, 2016.)

BAIRD

Motion prevailed.

HOUSE MOTION (Amendment 295-4)

Mr. Speaker: I move that Engrossed Senate Bill 295 be amended to read as follows:

Page 7, delete lines 34 through 35.

Page 7, line 36, delete "(3)" and insert "(2)".

(Reference is to ESB 295 as printed February 26, 2016.)

BAIRD

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 310

Representative Slager called down Engrossed Senate Bill 310 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 321

Representative Huston called down Engrossed Senate Bill 321 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 321-1)

Mr. Speaker: I move that Engrossed Senate Bill 321 be amended to read as follows:

Page 69, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 36. [EFFECTIVE JULY 1, 2016] (a) As used in this SECTION, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The general assembly urges the legislative council to assign to an interim study committee during the 2016 legislative interim the study of the available procedures (if any) by which a political subdivision in a county may:

(1) transfer the political subdivision's funds to another political subdivision located in the same county; and

(2) transfer additional money from the political subdivision's other funds into the political subdivision's:

(A) rainy day fund under IC 36-1-8-5.1; or

(B) general operating fund.

(c) This SECTION expires January 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to ESB 321 as printed February 26, 2016.)

HARMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 366

Representative Lehman called down Engrossed Senate Bill 366 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 366-1)

Mr. Speaker: I move that Engrossed Senate Bill 366 be amended to read as follows:

Page 2, line 27, delete "including the contents" and insert "that is consistent with IC 13-21-15 and includes the content".

Page 2, line 34, delete "as described in subsection (g);" and insert "that is consistent with IC 13-21-15 and includes the content required by IC 36-1-8-17.7(b)(5);".

Page 2, line 35, after "ordinance" insert "under IC 13-21-15-2(a)".

Page 2, line 36, delete "county under this section:" and insert "county:".

Page 2, line 38, delete "or" and insert "and".

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 6.

Page 3, line 7, delete "(h)" and insert "(g)".

Page 3, line 9, delete "does" and insert "and the taking effect of subsection (b) do".

Page 3, delete lines 29 through 33, begin a new paragraph and insert:

"(h) A person who is:

(1) a member of:

(A) the county executive;

(B) the county legislative body; or

(C) the county fiscal body; and

(2) an employee of a district;

may not cast a vote on an ordinance under this section or in any other action concerning the dissolution of the district that employs the person."

Page 8, line 22, after "IC 13-21-3-1(f)(2)(C)" insert "and IC 13-21-15-2(a)".

Page 8, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 4. IC 13-21-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 15. Dissolution of Districts

Sec. 1. (a) If a solid waste management district is a county district consisting of only one (1) county, the county may dissolve the district under IC 13-21-3-1(f)(1) and IC 36-1-8-17.7(b).

(b) The dissolution of a district through the adoption of an ordinance under IC 36-1-8-17.7(b)(7) is effective on the date specified in the ordinance.

(c) Upon the dissolution of a district, the following apply:

(1) Any legal obligations of the district that were incurred under this article before the district was dissolved, including bond obligations, loan obligations, other contractual liabilities, and civil liabilities, are transferred to the county and become legal obligations of the county, and those legal obligations shall be satisfied from assets of the district as provided in subdivision (2).

(2) Any assets of the district that are needed to satisfy the legal obligations described in subdivision (1) shall be:

(A) used by the district to satisfy those legal obligations; or

(B) transferred to the county and used by the county to satisfy those legal obligations.

(3) To the extent there are assets of the district that are not needed to satisfy the legal obligations described in subdivision (1), those assets:

(A) shall be transferred to the county and become

assets of the county; and

(B) shall be used by the county in providing services previously provided by the district.

(d) After the county district of a county is dissolved, the county is no longer subject to this article, except for this chapter, and the county is not a county district or a member of a joint district.

Sec. 2. (a) If a county is a member of a joint solid waste management district and withdraws from the joint district under IC 13-21-3-1(f)(2) and IC 13-21-4, the county executive of the county may adopt an ordinance determining that both of the following apply to the county:

(1) The county will no longer be a member of a joint solid waste management district.

(2) The county will not be designated as a county solid waste management district.

(b) If a county withdraws from a joint solid waste management district under IC 13-21-4 and adopts an ordinance under subsection (a):

(1) the county is responsible for its share of legal obligations (if any) arising from its former membership in the joint district as provided under IC 13-21-4; and

(2) any assets of the joint district that are apportioned to the county under IC 13-21-4-4 become assets of the county and:

(A) shall be used by the county to satisfy the legal obligations described in subdivision (1); or

(B) to the extent that the assets are not needed to satisfy the legal obligations described in subdivision (1), shall be used by the county in providing services previously provided by the district.

(c) If the county executive of the county adopts an ordinance under subsection (a), the county, after the date on which the withdrawal of the county from the joint solid waste management district is effective under IC 13-21-4:

(1) is no longer subject to this article, except for this chapter; and

(2) is not a county district or a member of a joint district.

Sec. 3. (a) This section applies to the imposition of property taxes in a county that:

(1) dissolves its county solid waste management district as described in section 1(a) of this chapter; or

(2) withdraws from a joint solid waste management district and determines that it will no longer be a member of a joint solid waste management district or be designated as a county district as described in section 2(a) of this chapter.

(b) The following apply to a county that dissolves its county solid waste management district as described in section 1(a) of this chapter:

(1) Subject to the limitations of this subsection, the authority of the county solid waste management district to impose property taxes for purposes of this article is transferred to the county.

(2) For property taxes first due and payable in the first year in which the county no longer has a county solid waste management district, the department of local government finance shall establish a separate solid waste management maximum permissible ad valorem property tax levy for the county that is equal to:

(A) the county solid waste management district's maximum permissible ad valorem property tax levy for the last year in which the county solid waste management district was in existence; multiplied by

(B) the assessed value growth quotient under IC 6-1.1-18.5-2 that applies to the determination of maximum permissible ad valorem property tax levies for the first year in which the county no longer has a county solid waste management

district.

(3) Property taxes collected by the county under the property tax levy authorized under this subsection may be used only for those purposes for which a property tax levy imposed by a solid waste management district under this article may be used.

(c) The following apply to a county that withdraws from a joint district and determines that it will no longer be a member of a joint district or be designated as a county district as described in section 2(a) of this chapter:

(1) Subject to the limitations of this subsection, the county has the authority to impose property taxes for purposes of this article.

(2) For property taxes first due and payable in the first year in which the county is no longer a member of the joint district, the department of local government finance shall establish a separate solid waste management maximum permissible ad valorem property tax levy for the county that is equal to:

(A) the joint solid waste management district's maximum permissible property tax levy for the last year in which the county was a member of the joint district; multiplied by

(B) a fraction equal to:

(i) the certified assessed valuation of the county for taxes payable in the last year in which the county was a member of the joint district; divided by

(ii) the certified assessed valuation of the joint solid waste management district for taxes payable in the last year in which the county was a member of the joint district; multiplied by

(C) the assessed value growth quotient under IC 6-1.1-18.5-2 that applies to the determination of maximum permissible ad valorem property tax levies for the first year in which the county is no longer a member of the joint district.

(3) For property taxes first due and payable in the first year in which the county is no longer a member of the joint district, the department of local government finance shall reduce the joint solid waste management district's maximum permissible property tax levy that would otherwise apply by the amount determined under subdivision (2) for the withdrawing county.

(4) Property taxes collected by the county under the property tax levy authorized under this subsection may be used only for those purposes for which a property tax levy imposed by a solid waste management district under this article may be used.

Sec. 4. If:

(1) a fee on the disposal of solid waste under IC 13-21-13 or a solid waste management fee under IC 13-21-14 is in effect in a county; and

(2) the county:

(A) dissolves the county solid waste management district as described in section 1(a) of this chapter; or

(B) withdraws from a joint solid waste management district and determines that it will no longer be a member of a joint district or be designated as a county district as described in section 2(a) of this chapter;

the county may continue collecting the fee notwithstanding the action described in subdivision (2). However, the county shall use the proceeds of the fee exclusively to provide services previously provided in the county by the solid waste management district."

Page 10, line 8, delete "which" and insert "which, except as set forth in IC 13-21-3-1(f) and IC 13-21-15,".

Page 10, line 21, after "subsection (a)." insert "For a county described in IC 36-1-2-5(1) and IC 36-1-2-9(1), the adoption

under IC 13-21-3-1(f)(1)(A) by the county executive of an ordinance in favor of the dissolution of a solid waste management district satisfies this requirement."

Page 11, line 12, delete "and if".

Renumber all SECTIONS consecutively.

(Reference is to ESB 366 as printed February 26, 2016.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 375

Representative Torr called down Engrossed Senate Bill 375 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 375-3)

Mr. Speaker: I move that Engrossed Senate Bill 375 be amended to read as follows:

Page 3, line 25, reset in roman "(c)".

Page 3, line 25, delete "This" and insert "Except as provided in IC 5-16-7.2, this".

Page 3, line 25, reset in roman "section does not limit the authority of a unit to establish".

Page 3, reset in roman line 26.

(Reference is to ESB 375 as printed February 23, 2016.)

OBER

Motion prevailed.

HOUSE MOTION
(Amendment 375-2)

Mr. Speaker: I move that Engrossed Senate Bill 375 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 5-10.5-5-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) As used in this section, "company" means United Technologies Corporation, its wholly owned subsidiaries, its majority owned subsidiaries, and affiliates of these entities or business associations that exist for profit making purposes.

(b) After April 1, 2016, the board may not acquire securities in the company for the public pensions and retirement funds of the system.

(c) Not later than July 1, 2017, the board shall sell, redeem, divest, or withdraw from the assets of the public pensions and retirement funds of the system all publicly traded securities or other investments in the company.

(d) Not later than October 15, 2016, the board shall develop and present to the interim study committee on pension management oversight (established by IC 2-5-1.3-4(13)) a plan to comply with subsection (c).

(e) Not later than October 15, 2017, the board shall submit a report in an electronic format under IC 5-14-6 to the legislative council for distribution to members of the general assembly concerning all investments sold, redeemed, divested, or withdrawn in compliance with subsection (c)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 375 as printed February 23, 2016.)

NIEZGODSKI

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Niezgodski withdrew the motion.

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

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 378

Representative Smaltz called down Engrossed Senate Bill

378 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 383

Representative VanNatter called down Engrossed Senate Bill 383 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 21

Representative Price called down Engrossed Senate Bill 21 for third reading:

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

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

Roll Call 270: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 23

Representative Gutwein called down Engrossed Senate Bill 23 for third reading:

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

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

Roll Call 271: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 45

Representative Torr called down Engrossed Senate Bill 45 for third reading:

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

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

Roll Call 272: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 80

Representative Smaltz called down Engrossed Senate Bill 80 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 273: yeas 86, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 109

Representative Eberhart called down Engrossed Senate Bill 109 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

Roll Call 274: yeas 61, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 126

Representative Zent called down Engrossed Senate Bill 126 for third reading:

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

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

Roll Call 275: 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.

Engrossed Senate Bill 140

Representative Clere called down Engrossed Senate Bill 140 for third reading:

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

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

Roll Call 276: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 147

Representative Mahan called down Engrossed Senate Bill 147 for third reading:

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

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

Roll Call 277: 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.

Engrossed Senate Bill 161

Representative Frizzell called down Engrossed Senate Bill 161 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 278: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE JOINT RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 14

Representative Koch called down Engrossed Senate Joint Resolution 14 for third reading:

A JOINT RESOLUTION requesting the Congress to call a

constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning imposition of fiscal restraints on the federal government, limitations of the powers and jurisdiction of federal powers, and the limitation of the terms of office for its officials and for members of Congress.

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

Roll Call 279: yeas 61, nays 36. The joint resolution was declared passed. The question was, Shall the title of the joint resolution 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 joint resolution.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1025.

MILLER

Roll Call 280: yeas 96, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1088.

BACON

Roll Call 281: yeas 94, nays 1. Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1271 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1273 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEONARD

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1032, 1036, 1038, 1047, 1053, 1068, 1090, 1173, 1183, 1187, 1209, 1218, 1278 and 1288 on February 29.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 1, 2016, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the

following Senators a conference committee to confer on Engrossed House Bill 1130:

Conferees: Kruse and Randolph
Advisors: Steele, Taylor, Ford

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1215:

Conferees: Crider and Randolph
Advisors: Perfect, Mrvan, Raatz

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1233:

Conferees: Crider and Broden
Advisors: Head, Randolph, L. Brown

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1298:

Conferees: Bray and Broden
Advisors: Buck, Taylor, Head

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 49 and the same is herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 48, 49, 50, 52 and 53 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

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

CLERE

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

HOUSE MOTION

Mr. Speaker: I move that Representative McNamara be added as cosponsor of Engrossed Senate Bill 14.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 45.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as cosponsor of Engrossed Senate Bill 126.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as cosponsor of Engrossed Senate Bill 140.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Zent, Klinker, Goodin, Cook, Saunders, V. Smith, Pelath, Beumer, Heaton, McNamara, Kirchhofer, Morris, Lehman, Austin, Wright, Errington, Moseley, Stemler, C. Brown, Lawson, Frye, Ziemke, Karickhoff, Clere, Eberhart, Dermody, Judy, Borders, Arnold, Carbaugh, Gutwein, Soliday and Forestal be added as cosponsors of Engrossed Senate Bill 147.

MAHAN

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 Macer be added as cosponsor of Engrossed Senate Bill 160.

WASHBURNE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as cosponsor of Engrossed Senate Bill 173.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as cosponsor of Engrossed Senate Bill 253.

WASHBURNE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Riecken and Klinker be added as cosponsors of Engrossed Senate Bill 300.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as cosponsor of Engrossed Senate Bill 357.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Aylesworth, Bacon, Baird, Beumer, Borders, Braun, Cox, Davisson, Dermody, Dvorak, Ellington, Fine, Forestal, Friend, Frizzell, Frye, Goodin, Gutwein, Hamm, Harman, Heaton, Judy, Lawson, Leonard, Lucas, Lyness, Mahan, Mayfield, McNamara, Miller, Morris, Morrison, Moseley, Nisly, Olthoff, Price, Rhoads, Riecken, Saunders, Schaibley, Slager, Smaltz, M. Smith., Speedy, Steuerwald, Sullivan, Torr, VanNatter, Washburne, Wesco, Wolkins, Wright and Ziemke be added as coauthors of House Concurrent Resolution 51.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Concurrent Resolution 53.

LAWSON

Motion prevailed.

On the motion of Representative Judy, the House adjourned at 7:16 p.m., this twenty-ninth day of February, 2016, until Tuesday, March 1, 2016, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives