



# Journal of the House

State of Indiana

120th General Assembly

Second Regular Session

Twenty-Seventh Day

Wednesday Morning

February 28, 2018

The invocation was offered by Pastor Darrel Land from Redemption Christian Church in Jasper, a guest of Representative Lindauer.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

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

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

Austin	Kirchhofer
Aylesworth	Klinker
Bacon	Lawson <input type="checkbox"/>
Baird	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Beumer	Lyness
Borders	Macer
C. Brown	Mahan
T. Brown	May
Burton	Mayfield
Candelaria Reardon	McNamara
Carbaugh	Miller
Cherry	Moed <input type="checkbox"/>
Clere	Morris
Cook	Morrison <input type="checkbox"/>
Culver	Moseley
Davisson	Negele
DeLaney	Nisly
DeVon	Ober
Dvorak	Olthoff
Eberhart <input type="checkbox"/>	Pelath
Ellington	Pierce
Engleman	Porter
Errington	Pressel <input type="checkbox"/>
Forestal	Pryor
Friend	Richardson <input type="checkbox"/>
Frizzell	Saunders <input type="checkbox"/>
Frye	Schaibley
GiaQuinta	Shackleford
Goodin	Siegrist
Gutwein	Slager
Hamilton	Smaltz
Hamm	M. Smith
Harris	V. Smith
Hatfield	Soliday
Heaton	Speedy
Heine	Stemler <input type="checkbox"/>
Huston	Steuerwald
Jordan	Sullivan
Judy	Summers
Karickhoff	J. Taylor
Kersey	Thompson

Torr  
VanNatter  
Washburne  
Wesco  
Wolkins

Wright  
J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 261: 92 present; 8 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 1, 2018, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 56

Representative Olthoff introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION honoring Jerome Flewelling.

*Whereas, The Indiana Teacher of the Year program, the oldest and most prestigious state honors program focusing public attention on excellence in teaching, was founded in 1957;*

*Whereas, The Indiana Teacher of the Year is chosen from among the current Indiana District Teachers of the Year, who compete and submit an Indiana Teacher of the Year Portfolio to the Indiana Department of Education's Teacher of the Year Coordinator;*

*Whereas, Jerome Flewelling was named the 2018 Indiana Teacher of the Year by a committee of past recipients of the award;*

*Whereas, Jerome Flewelling, AP physics, mechanics, and chemistry teacher at Crown Point High School, has been teaching for 21 years. He began his teaching career at Frankton Junior/Senior High School as a physics and astronomy teacher for four years before moving to Crown Point High School;*

*Whereas, Jerome Flewelling is a graduate of Taylor University with a bachelor's degree in physics and education;*

*Whereas, Jerome Flewelling was the first educator in Northwest Indiana to receive this honor since the program was initiated more than 60 years ago;*

*Whereas, In recognition of his outstanding abilities, Jerome Flewelling has received numerous awards and recognitions throughout his career, including Most Influential Teacher, Crown Point Teacher of the Year, Outstanding Performance of Theatre Production, and a Spell Bowl sponsor; and*

Whereas, Crown Point High School Principal Chip Pettit describes Jerome Flewelling as a wonderful role model, pointing out that he is also the science department chairman and assistant director of all theater productions performed by the students: 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 members of the Indiana General Assembly wish to congratulate Jerome Flewelling on his selection as the 2018 Indiana Teacher of the Year and to thank him for his great devotion to the children of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jerome Flewelling and his family, Principal Chip Pettit, and Superintendent Dr. Teresa A. Eineman.

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 Niemeyer.

### House Resolution 37

Representative V. Smith introduced House Resolution 37:

A HOUSE RESOLUTION recognizing Omega Psi Phi.

*Whereas, Omega Psi Phi Fraternity, Inc. is the first international fraternal organization founded on the campus of a historically black college;*

*Whereas, Omega Psi Phi Fraternity, Inc., a predominantly African-American organization of college men, was founded at Howard University on November 17, 1911;*

*Whereas, The name Omega Psi Phi was derived from the initials of the Greek phrase meaning "friendship is essential to the soul";*

*Whereas, Omega Psi Phi Fraternity, Inc. is guided by four principles: "Manhood, Scholarship, Perseverance, and Uplift";*

*Whereas, Omega Psi Phi flourished in large part due to the high ideals of its founders who chose men of like character to guide the fraternity into the future;*

*Whereas, Omega Psi Phi has many internationally mandated programs, including the following: Achievement Week, which is designed to recognize those individuals at the local and international levels who have contributed to community uplift; Scholarship, which promotes academic excellence among undergraduate members; Social Action, in which chapters participate in activities that will uplift their communities, including voter registration, Assault on Illiteracy, Habitat for Humanity, mentoring, and fundraisers for charitable organizations; Talent Hunt, which provides exposure, encouragement, and financial assistance to talented young people participating in the performing arts; Memorial Service, which recalls the memory of those members who have entered into Omega Chapter; Reclamation and Retention, a concerted effort at the international, district, and local levels to retain active brothers and return inactive brothers to full participatory status; College Endowment Fund, which is an annual contribution of at least \$50,000 to historically black colleges and universities in furtherance of Omega's commitment to provide philanthropic support; Health Initiatives, which facilitates, participates in, and coordinates activities that promote good health practices, including the Charles Drew Blood Drive and partnership with the American Diabetes Association; Voter Registration, Education, and Mobilization, which facilitates and participates in activities that uplift their communities through the power of the vote;*

*Whereas, The Indiana chapters of Omega Psi Phi are Alpha Chi, Gary; Alpha Kappa Kappa, Gary; Beta Xi, Evansville; Chi Sigma, Terre Haute; Epsilon Beta Beta, Notre Dame; Eta Delta, Gary; Kappa Theta, Indianapolis; Nu Alpha Alpha, Indianapolis; Nu Mu Nu, Kokomo; Rho Sigma, Lafayette; Sigma Beta, Indianapolis; Tau Nu, Fort Wayne; Upsilon Beta, Muncie; Upsilon Kappa Kappa, Lafayette; Zeta Epsilon, Bloomington; and Zeta Phi, Indianapolis;*

*Whereas, Many renowned Americans from the business, professional, and educational areas have been members of Omega Psi Phi; and*

*Whereas, There are very few Americans whose lives have not been touched by a member of Omega Psi Phi Fraternity, Inc.: Therefore,*

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

SECTION 1. That the Indiana House of Representatives acknowledges the many contributions made to our state and our nation by the members of Omega Psi Phi Fraternity, Inc.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Omega Psi Phi Fraternity, Inc. and its 10th District representative.

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

### HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 6, 124, 125, 126, 128, 156, 158, 178, 179, 189, 197, 221, 225, 230, 299, 362, 402, 431 and 436.

The House recessed until the fall of the gavel.

### RECESS

The House reconvened at 2:25 p.m. with the Speaker in the Chair.

Representatives Eberhart, Pressel and Saunders, who had been excused, are now present.

### ENGROSSED SENATE BILLS ON SECOND READING

#### Engrossed Senate Bill 74

Representative Steuerwald called down Engrossed Senate Bill 74 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 74-2)

Mr. Speaker: I move that Engrossed Senate Bill 74 be amended to read as follows:

Page 3, line 14, reset in roman "(LL) 7-hydroxymitragynine."

Page 3, line 36, reset in roman "(HHH) Mitragynine."

Re-number all SECTIONS consecutively.

(Reference is to ESB 74 as printed February 23, 2018.)

OBER

Upon request of Representatives Forestal and Porter, the Speaker ordered the roll of the House to be called. Roll Call 262: yeas 51, nays 42. Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 172**

Representative Sullivan called down Engrossed Senate Bill 172 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 172-1)

Mr. Speaker: I move that Engrossed Bill 172 be amended to read as follows:

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 5.

Page 3, line 6, delete "11." and insert "10."

Page 3, line 9, delete "12." and insert "11."

Page 3, line 17, delete "13." and insert "12."

Page 3, line 19, delete "14." and insert "13."

(Reference is to ESB 172 as printed February 26, 2018.)

DELANEY

Motion failed.

HOUSE MOTION  
(Amendment 172-2)

Mr. Speaker: I move that Engrossed Senate Bill 172 be amended to read as follows:

Page 1, line 5, delete "means:" and insert "**means**".

Page 1, line 6, delete "(1)".

Page 1, line 6, delete "institution; or" and insert "**institution**".

Page 1, run in lines 5 through 6.

Page 1, delete lines 7 through 9.

Page 1, line 14, delete "private postsecondary educational institution" and insert "**nonprofit college or university (as defined in IC 21-7-13-23(a))**".

Page 1, delete line 15.

(Reference is to ESB 172 as printed in February 26, 2018.)

DELANEY

Motion failed.

HOUSE MOTION  
(Amendment 172-3)

Mr. Speaker: I move that Engrossed Senate Bill 172 be amended to read as follows:

Page 3, delete lines 19 through 24.

(Reference is to ESB 172 as printed February 26, 2018.)

DELANEY

Upon request of Representatives DeLaney and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 263: yeas 23, nays 66. Motion failed. The bill was ordered engrossed.

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

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

**Engrossed Senate Bill 188**

Representative T. Brown called down Engrossed Senate Bill 188 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 188-3)

Mr. Speaker: I move that Engrossed Bill 188 be amended to read as follows:

Page 2, line 12, after "settlements;" delete "and".

Page 2, reset in roman lines 13 through 14.

Page 2, line 15, reset in roman "(C)".

Page 2, line 15, delete "(B)".

Page 2, line 23, reset in roman "or assurance of voluntary compliance;"

(Reference is to ESB 188 as printed February 26, 2018.)

T. BROWN

Motion prevailed.

HOUSE MOTION  
(Amendment 188-1)

Mr. Speaker: I move that Engrossed Senate Bill 188 be amended to read as follows:

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 4-12-1-14.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 14.8. (a) The opioid litigation settlement fund is established for the purpose of depositing and distributing money related to litigation involving opioid manufacturers concerning the opioid public health crisis and epidemic.**

**(b) All money that is received by the state relating to settlements with opioid manufacturers shall be deposited in the fund.**

**(c) The fund shall be administered by the budget agency. Money in the fund at the end of the state fiscal year does not revert to the state general fund.**

**(d) Money deposited into the fund shall be distributed by the auditor of state as follows:**

**(1) Sixty-seven and sixty-seven hundredths percent (67.67%) shall be transferred to the family and children fund.**

**(2) Sixteen and one hundred sixty-five thousandths percent (16.165%) shall be transferred to the opioid treatment program fund established by IC 12-23-18-4.**

**(3) Sixteen and one hundred sixty-five thousandths percent (16.165%) shall be transferred to the mental health and addiction forensic treatment services account established by IC 12-23-19-4."**

Page 3, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] **(a) The attorney general shall submit, not later than July 1, 2018, a report to the legislative council stating whether the attorney general intends to pursue or join in a civil action against opioid manufacturers to recoup costs to the state associated with the opioid public health crisis and epidemic. The report to the legislative council must be in an electronic format under IC 5-14-6.**

**(b) As part of the report to the legislative council, the attorney general shall explain the reasons for the attorney general's decision described in subsection (a).**

**(c) This SECTION expires January 1, 2019."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 188 as printed February 26, 2018.)

DELANEY

Upon request of Representatives Mahan and Torr, the Speaker ordered the roll of the House to be called. Roll Call 264: yeas 92, nays 0. Motion prevailed.

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

HOUSE MOTION  
(Amendment 188-4)

Mr. Speaker: I move that Engrossed Senate Bill 188 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 3. IC 4-12-16-5, AS ADDED BY P.L.217-2017, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A state agency may use the money in the fund after appropriation of the money in the fund by the general assembly.

(b) A state agency may, not later than November 1 of each even-numbered calendar year, submit to the budget committee and the legislative council in an electronic format under IC 5-14-6 a list of proposed projects, including the estimated cost of each project, for consideration of the general assembly in making appropriations during the biennial budget process.

(c) The proceeds of a particular settlement, assurance of voluntary compliance, or other form of agreement that are deposited in the fund must be used by the state agency according to any court order that applies to the settlement, assurance of voluntary compliance, or other form of agreement.

**(d) There is appropriated from the fund to the attorney general the following:**

**(1) The amount requested by the attorney general to initiate or join litigation by another state or federal multi-district litigation, or both, that is brought against opioid manufacturers or distributors.**

**(2) To offset direct attorney general office costs related to litigation, to pay for outside counsel engaged to pursue litigation, or to pay other costs of litigation."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 188 as printed February 26, 2018.)

PORTER

Representative Torr 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.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 188-4 violates House Rule 80. The bill and amendment concern appropriations from the agency settlement fund.

DVORAK  
PORTER

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 265: yeas 65, nays 27. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

The question then was on the motion of Representative Porter. Motion failed.

HOUSE MOTION  
(Amendment 188-2)

Mr. Speaker: I move that Engrossed Senate Bill 188 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 3. IC 10-21-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2018]: **Sec. 4.5. (a) As used in this section, "school" refers to any kindergarten through grade 12 school that receives state funding.**

**(b) At the conclusion of each state fiscal year, the auditor of state shall determine the total amount of money that has reverted to the state general fund during the state fiscal year from any account or fund. Before August 1 each year, the auditor of state shall transfer from the state general fund to the agency settlement fund established by IC 4-12-16-2 the lesser of:**

- (1) one hundred million dollars (\$100,000,000); or**
- (2) the total amount of money that has reverted to the state general fund during the previous state fiscal year from any account or fund.**

**(c) There is annually appropriated from the agency settlement fund the following amounts for the following purposes:**

**(1) Twenty-five percent (25%) of the amount transferred under subsection (b) for the board to provide secured school safety grants. Grants awarded from money provided under this subdivision must be used only for physical school infrastructure safety related improvements.**

**(2) Seventy-five percent (75%) of the amount transferred under subsection (b) for the board to provide school resource officer grants. Grants awarded from money provided under this subdivision must be used only for school resource officers who have:**

**(A) met the standards of the Indiana law enforcement training board, an agency that the Indiana law enforcement training board has granted reciprocity, or the National Law Enforcement Academy; and**

**(B) taken the oath of office to serve as a police officer.**

**A school having a school resource officer as a full-time employee may not receive a grant until all schools that intend to employ a school resource officer and do not have a school resource officer have received a grant.**

**(d) Grants awarded from money provided under this section:**

**(1) shall be distributed before November 1 each year; and**

**(2) do not require a match by a school.**

SECTION 4. IC 10-21-1-7, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2018]: Sec. 7. The department of homeland security shall report before October 1 of each year to the budget committee concerning ~~matching~~ grants awarded under this chapter during the previous fiscal year."

Renumber all SECTIONS consecutively.

(Reference is to ESB 188 as printed February 26, 2018.)

PORTER

Representative Torr 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 240**

Representative Siegrist called down Engrossed Senate Bill 240 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 240-1)

Mr. Speaker: I move that Engrossed Senate Bill 240 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

**"Sec. 1. This chapter does not apply to a dwelling that is exempt under IC 22-9.5-3 from the requirements of IC 22-9.5."**

Page 1, line 5, delete "1." and insert "2."

Page 1, line 14, delete "2." and insert "3."

Page 1, line 16, delete "3." and insert "4."

Page 2, line 11, delete "4." and insert "5."

Page 2, line 17, after "of," insert "or".

Page 2, line 18, delete "or".

Page 2, line 20, delete "5." and insert "6."

Page 2, line 25, delete "6." and insert "7."

Page 2, line 27, delete "7." and insert "8."

Page 2, line 34, delete "8." and insert "9."

Page 3, line 2, delete "9." and insert "10."

Page 3, line 3, delete "from" and insert "from".

Page 3, line 4, delete "a".

Page 3, line 5, after "(1)" insert "a".

Page 3, line 6, after "(2)" insert "a".

Page 3, line 7, after "(3)" insert "a".

Page 3, line 8, after "(4)" insert "another".

Page 3, line 14, delete "10." and insert "11".

Page 3, line 14, delete "8" and insert "9".

Page 3, line 20, delete "11." and insert "12".

Page 3, line 21, delete "8" and insert "9".

Page 4, line 8, delete "individual," and insert "individual";

Page 4, line 10, delete "12." and insert "13".

Page 4, line 13, delete "13." and insert "14".

Page 4, line 28, delete "14." and insert "15".

Page 5, line 3, delete "12" and insert "15".

(Reference is to ESB 240 as printed February 26, 2018.)

WASHBURNE

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 247

Representative Steuerwald called down Engrossed Senate Bill 247 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 247-1)

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 19, delete lines 34 through 42.

Delete page 20.

Page 21, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 18. IC 32-17-13-7, AS AMENDED BY P.L.6-2010, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) ~~A proceeding under this chapter may not be commenced unless the personal representative of the decedent's estate has received a written demand for the proceeding from the surviving spouse or a surviving child, to the extent that statutory allowances are affected, or a creditor. A proceeding under this chapter may not be commenced unless:~~

(1) ~~the claimant delivers a written demand for the proceeding to:~~

(A) ~~the personal representative of the deceased transferor's estate; and~~

(B) ~~each known nonprobate transferee; and~~

(2) ~~the written demand has been filed in the estate, not later than seven (7) months after the deceased transferor's death.~~

(b) ~~The written demand must include the following information:~~

(1) ~~The cause number of the deceased transferor's estate.~~

(2) ~~A statement of the claimant's interest in the deceased transferor's estate and nonprobate transfers, including the date on which the claimant filed a claim in the deceased transferor's estate.~~

(3) ~~A copy of the claim attached as an exhibit to the written demand.~~

(4) ~~A description of the nonprobate transfer, including:~~

(A) ~~a description of the transferred asset, as the asset would be described under IC 29-1-12-1, regardless of whether the asset is part of the decedent's probate estate, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court;~~

(B) ~~a description or copy of the instrument by which the deceased transferor established the nonprobate transfer, subject to the redaction requirements of the Indiana administrative rules, established by the Indiana supreme court; and~~

(C) ~~the name and mailing address of each nonprobate transferee known by the claimant.~~

(c) ~~A proceeding under this chapter may not be commenced on behalf of a claimant, if the claimant has not filed a claim in the deceased transferor's estate by not later than nine (9) months after the deceased transferor's death.~~

(d) ~~A proceeding under this chapter may not be commenced on behalf of a claimant who has not delivered and filed the written demand under subsection (a) by the later of the following dates:~~

(1) ~~Thirty (30) days after the final allowance of the claimant's claim.~~

(2) ~~Nine (9) months after the deceased transferor's death.~~

(e) ~~A proceeding under this chapter may not be commenced on behalf of a claimant if the personal representative has neither allowed nor disallowed the claimant's claim within the deadlines in IC 29-1-14-10(a) and IC 29-1-14-10(b), unless the claimant's petition to set the claim for trial in the probate court under IC 29-1-14-10(a) has been filed within thirty (30) days after the expiration of the deadlines applicable to the claimant's claim under IC 29-1-14-10(a) and IC 29-1-14-10(b).~~

(~~b~~) (f) ~~If the personal representative declines or fails to commence a proceeding under this chapter within sixty (60) thirty (30) days after receiving the written demand required under subsection (a), a person making the demand may commence the proceeding in the name of the decedent's deceased transferor's estate at the expense of the person making the demand and not of the estate.~~

(~~e~~) (g) ~~A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.~~

(h) ~~Nothing in this section shall affect or prevent any action or proceeding to enforce a valid and otherwise enforceable lien, warrant, mortgage, pledge, security interest, or other comparable interest against property included in a nonprobate transfer."~~

Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as printed February 26, 2018.)

STEUERWALD

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 266

Representative Frye called down Engrossed Senate Bill 266 for second reading. The bill was re-read a second time by title.

#### HOUSE MOTION (Amendment 266-1)

Mr. Speaker: I move that Engrossed Senate Bill 266 be amended to read as follows:

Page 4, line 7, delete "motorcycle" and insert "motorcycle, motor vehicle manufactured before January 1, 1956,".

Page 4, line 17, delete "motorcycle" and insert "motorcycle, motor vehicle manufactured before January 1, 1956,".

Page 12, delete lines 10 through 33.

Page 13, line 6, after "officer" insert "in an unmarked police vehicle".

Page 13, line 13, delete "reckless".

Page 13, line 14, delete "driving or".

(Reference is to ESB 266 as printed February 23, 2018.)

FRYE

Motion prevailed. The bill was ordered engrossed.

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

### Engrossed Senate Bill 380

Representative Bartels called down Engrossed Senate Bill 380 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 380-1)

Mr. Speaker: I move that Engrossed Senate Bill 380 be amended to read as follows:

Page 3, line 14, delete "Subsections (a) and (b) do" and insert "**Subsection (h) does**".

Page 3, line 14, after "project" insert "**described in subsection (g)**".

(Reference is to ESB 380 as printed February 26, 2018.)

BARTELS

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 386**

Representative Porter called down Engrossed Senate Bill 386 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 393**

Representative Pressel called down Engrossed Senate Bill 393 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 393-2)

Mr. Speaker: I move that Engrossed Senate Bill 393 be amended to read as follows:

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 2. IC 22-13-2-2, AS AMENDED BY P.L.86-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in section 3.5 of this chapter**, the commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) The commission may adopt temporary rules in a manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to administer regulation of sanitary conditions and sanitary facilities of Class I structures under IC 22-12-1-3(4). A temporary rule adopted under this subsection expires on the earliest of the following dates:

- (1) The date specified in the temporary rule.
- (2) The date another temporary rule adopted under this subsection or rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.
- (3) January 1, 2017.

(c) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- (2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).
- (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).
- (4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).
- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.

(d) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(e) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (c) and (d) within eighteen (18) months after the effective date of the subsequent edition.

(f) The commission may amend the national codes as a condition of the adoption under subsections (c), (d), and (e).

SECTION 3. IC 22-13-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2.5. (a) Before January 1, 2020, the commission shall adopt rules under IC 4-22-2 to replace the statewide residential code for Class 2 structures that is included within the statewide code of fire safety laws and building laws adopted under section 2 of this chapter.**

**(b) If the commission uses a national code as part of the adoption of a replacement statewide residential code under subsection (a), the commission shall amend the national code as a condition of the adoption under subsection (a).**

**(c) The commission shall submit a report to the general assembly not later than January 1, 2019, regarding the commission's work during the previous year related to adoption of a replacement statewide residential code under subsection (a). The report to the general assembly must be submitted in an electronic format under IC 5-14-6.**

SECTION 4. IC 22-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except to the extent provided in subsection (c), the rules adopted under section 2 of this chapter take precedence over:

- (1) any rule adopted by a state agency that conflicts with the commission's fire safety rules or building rules; and
- (2) any ordinance or other regulation adopted by a political subdivision that covers the same subject matter as the commission's fire safety rules or building rules.

(b) State agencies and political subdivisions may incorporate the rules adopted by the commission by reference into a rule, ordinance, or other regulation. Notwithstanding IC 4-22-9-6, a reference to the rules adopted by the commission, by citation to the Indiana Administrative Code (IAC), shall be construed to include all amendments as of the date that the reference is written and any later amendments to that provision, unless accompanied by a reference to a specific edition or supplement to the Indiana Administrative Code.

(c) **Except as provided in section 3.5 of this chapter**, a city, town, or county may adopt an ordinance that includes more stringent or detailed requirements that do not conflict with the commission's rules, but the ordinance is subject to approval under section 5 of this chapter.

SECTION 5. IC 22-13-2-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. (a) The following may not adopt rules requiring the installation of an automatic fire sprinkler system in a Class 2 structure:**

- (1) **The commission.**
- (2) **Another state agency.**

**(b) A political subdivision may not adopt an ordinance or other regulation requiring the installation of an automatic fire sprinkler system in a Class 2 structure.**

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 393 as printed February 13, 2018.)

PRESSEL

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 411**

Representative VanNatter called down Engrossed Senate Bill 411 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 411-1)

Mr. Speaker: I move that Engrossed Senate Bill 411 be amended to read as follows:

Page 4, delete lines 22 through 26.

Page 5, line 26, after "(e)(2)" delete ",".  
 Page 5, line 26, reset in roman "and".  
 Page 5, line 26, delete "(e)(3)," and insert "(e)(3)".  
 Page 5, line 26, delete "and (e)(4)".  
 (Reference is to ESB 411 as printed February 26, 2018.)  
 PIERCE

Motion failed. The bill was ordered engrossed.

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

### ENGROSSED SENATE BILLS ON THIRD READING

#### Engrossed Senate Bill 65

Representative Wesco called down Engrossed Senate Bill 65 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 266: yeas 69, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

#### Engrossed House Bill 190

Representative T. Brown called down Engrossed Senate Bill 190 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?

#### HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Senate Bill 190. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. My employer holds a number of nursing home operating licenses.

MACER

Motion prevailed..

#### HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Senate Bill 190. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. My employer holds a number of nursing home operating licenses.

PORTER

Motion prevailed.

Roll Call 267: yeas 74, nays 18. 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 331

Representative Lehe called down Engrossed Senate Bill 331 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 268: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Baird and Goodin, who had been present, are now excused.

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

#### Engrossed Senate Bill 340

Representative Mayfield called down Engrossed Senate Bill 340 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 269: yeas 67, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### OTHER BUSINESS ON THE SPEAKER'S TABLE

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Hatfield and Hamm be added as cosponsors of Engrossed Senate Bill 74.

STEUERWALD

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 Representative Candelaria Reardon be added as cosponsor of Engrossed Senate Bill 178.

PELATH

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 Summers be added as cosponsor of Engrossed Senate Bill 187.

MAHAN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Miller be added as cosponsor of Engrossed Senate Bill 240.

SIEGRIST

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh and J. Taylor be added as cosponsors of Engrossed Senate Bill 373.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamilton be added as cosponsor of Engrossed Senate Bill 376.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Resolution 8.

PRESSEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Concurrent Resolution 52.

PORTER

Motion prevailed.

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 Bill 212.

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, without amendments, Engrossed House Bills 1091, 1115, 1193, 1194 and 1292 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 Engrossed House Bills 1031, 1140, 1141, 1167, 1227, 1253, 1323 and 1384 with amendments and the same are herewith returned to the House for concurrence.

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 50, 51 and 52 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 17 and 47 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

On the motion of Representative Hamm, the House adjourned at 4:28 p.m., this twenty-eighth day of March, 2018, until Thursday, March 1, 2018, at 10:00 a.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives