



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Fourteenth Day

Thursday Morning

February 2, 2017

The invocation was offered by Reverend Randy Scott of Pentecostals of South Lake in Crown Point, a guest of Representative Olthoff.

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 Eberhart.

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 44: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 6, 2017, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 11

Representative Pelath introduced House Resolution 11:

A HOUSE RESOLUTION memorializing Barbara Ann Dean.

Whereas, Barbara Ann Dean was born on January 9, 1943, in South Bend and died on January 5, 2017, in her home in Rolling Prairie at the age of 73;

Whereas, Barbara Ann married Hubert D. Dean, Sr. on March 8, 1967, in Chicago, Illinois;

Whereas, Together Barbara Ann and Hubert had two children, Ed and Suzie;

Whereas, Barbara Ann will be greatly missed by her niece Diane Pietrowski with whom she was particularly close, serving as her best friend, mother, confidant, campaigner, and dance partner;

Whereas, Barbara Ann Dean worked at Redi-Froze in South Bend, was a keypunch operator at National Bank, and worked for the LaPorte County auditor's office;

Whereas, Barbara Ann was elected as county recorder for two terms, 2000 through 2004 and 2004 through 2008;

Whereas, After her second term as recorder, Barbara retired;

Whereas, However, Barbara did not stay retired;

Whereas, Barbara ran and won re-election as county recorder in 2012 through 2016 and again in 2017;

Whereas, Active in her community, Barbara Ann was a member of PRCU, the American Legion #297 in New Carlisle, the Polish Falcons #1031 in LaPorte, the LaPorte Civic Club, where she served as secretary, the Democratic Club, the Farm Bureau, the League of Women Voters, and St. John Kanty Catholic Church;

Whereas, Barbara Ann loved her farm, affectionately calling it her "Queendom," and was a master gardener;

Whereas, Barbara Ann won and held the respect and confidence of all who knew her, served her profession and community faithfully and well, and will be missed; and

Whereas, The death of Barbara Ann Dean will leave a void in the lives of all those she touched: 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 expresses its heartfelt sympathy and sincere condolences to the family and friends of Barbara Ann Dean during this time of great sadness and grief.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Ed Dean and her family.

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

House Resolution 13

Representatives Leonard and GiaQuinta introduced House Resolution 13:

A HOUSE RESOLUTION congratulating Tom McSod and Campbell MacDonald.

Whereas, On September 4, 2016, in Lexington, Kentucky, Tom McSod and Campbell MacDonald won the Beginner Doubles Tornado Foosball World Championship;

Whereas, Tom, a bartender at The Brass Rail in Fort Wayne, and Campbell, the principal clarinet of the Fort Wayne Philharmonic Orchestra, were one of 24 teams participating in the Beginner Doubles division;

Whereas, Tom McSod has earned 642 singles points and 774 doubles points and plays at the Rookie Level;

Whereas, Campbell MacDonald has earned 600 singles points and 687 doubles points and plays at the Beginner Level;

Whereas, Through their skill and dedication to victory, Tom McSod and Campbell MacDonald have brought fame and recognition to Allen County and the city of Fort Wayne; and

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

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

SECTION 1. That the Indiana House of Representatives congratulates Tom McSod and Campbell MacDonald on their victory in the Beginner Doubles Tornado Foosball World Championships and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Tom McSod and Campbell MacDonald.

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

House Resolution 14

Representatives V. Smith, Bartlett, C. Brown, Harris, Porter, Pryor, Shackelford, Summers and J. Taylor introduced House Resolution 14:

A HOUSE RESOLUTION celebrating Black History Month.

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

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

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

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

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

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

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

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

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

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

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

Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the many contributions and accomplishments of black Americans throughout the history of the United States and Indiana.

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

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

House Resolution 15

Representative Macer introduced House Resolution 15:

A HOUSE RESOLUTION urging the legislative council to assign the topic of loans to Indiana small businesses to the appropriate committee.

Whereas, Small businesses are a critical component of local economies and a major contributor to their strength; and

Whereas, Small businesses present new employment opportunities and serve as the building blocks of the United States' largest corporations: 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 the topic of loans to Indiana small businesses to the appropriate committee.

SECTION 2. That if the topic is assigned to the appropriate committee, the following topics should be included in the study:

- (1) The availability, amounts, and types of loans offered to Indiana small businesses by regulated financial institutions and by other lenders, including nontraditional lenders and online lenders.
- (2) Whether Indiana law should be amended to address predatory lending with respect to Indiana small businesses, including appropriate loan amounts, finance charges, and other terms and conditions with respect to loans made to Indiana small businesses.
- (3) Other matters concerning lending to Indiana small businesses that the study committee considers appropriate.

SECTION 3. That if the topic is assigned to a study committee, the study committee may, in conducting its study, consult with:

- (1) the department of financial institutions or other appropriate state agencies;
- (2) lenders, including:
 - (A) regulated financial institutions; and
 - (B) other lenders, including nontraditional and online lenders;
- (3) Indiana small business owners and advocates for small businesses;
- (4) regulators in other states; and
- (5) other interested parties or consultants that the study committee considers appropriate.

The resolution was read a first time and referred to the Committee on Financial Institutions.

House Concurrent Resolution 16

Representatives Frizzell and Leonard introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION supporting Taiwan's signing of the Free Trade Agreement (FTA) and Bilateral Investment Agreement (BIA) with the United States and reaffirming support for increasing Taiwan's international profile and for strengthening sister-state ties between Indiana and Taiwan.

Whereas, The state of Indiana is proud of the sister-state relationship it has enjoyed with the Republic of China (Taiwan) since 1979 marked by strong bilateral trade, educational and cultural exchanges, and tourism;

Whereas, Taiwan shares the same values of freedom, democracy, human rights, the rule of law, peace, and prosperity with the United States and the state of Indiana;

Whereas, The United States ranks as Taiwan's second largest trading partner; Taiwan is the ninth largest trading partner of the United States, and bilateral trade reached \$66.6 billion in 2015;

Whereas, Taiwan and the state of Indiana have enjoyed a long and mutually beneficial relationship with the prospect of future growth, and Taiwan was Indiana's fifth largest export market in Asia in 2015, with \$172.7 million worth of Indiana goods exported to Taiwan;

Whereas, Negotiating a Bilateral Investment Agreement (BIA) between Taiwan and the United States is an important

step toward further strengthening bilateral trade and paving the way for entering into a Free Trade Agreement between our countries, thereby increasing Indiana's exports to Taiwan and creating bilateral investment and technical collaboration through tariff reduction and other trade facilitation measures; and

Whereas, Taiwan has undertaken a policy of "steadfast diplomacy" in its international relations. Taiwan is capable of and willing to fulfill its responsibilities and to collaborate with the world to deal with the challenges of humanitarian aid, disease control, and so forth: 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 General Assembly reaffirms its commitment to the strengthening and deepening of the sister-state relationship between Taiwan and the state of Indiana.

SECTION 2. That Indiana endorses Taiwan's efforts to secure the signing of the Bilateral Investment Agreement (BIA) and Free Trade Agreement (FTA) with the United States

SECTION 3. That Indiana continues to support Taiwan's meaningful participation in international organizations that impact the health, safety, and well-being of its people, and supports its aspiration to make more contributions in international societies.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana Congressional delegation and the Taipei Economic and Cultural Office in Chicago, Illinois.

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 M. Young.

House Concurrent Resolution 17

Representative Smaltz introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION recognizing the Auburn Development Advisory Committee.

Whereas, Established in 2009, the Auburn Development Advisory Committee (ADAC) is Auburn's recognized Main Street Organization;

Whereas, The mission of the ADAC is to encourage revitalization and sustainable growth in Auburn;

Whereas, The ADAC accomplishes its mission in numerous ways including promoting and celebrating Auburn's "Home of the Classics" legacy and collaborating with other like-minded organizations at the city and state level;

Whereas, In order to better accomplish its mission, the ADAC has designated the month of February as "We Love Auburn" month; and

Whereas, "We Love Auburn" month will showcase local cancer awareness initiatives, wineries and breweries, musicians, 4-H clubs, and more in and around Auburn: 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 Auburn Development Advisory Committee and its efforts to revitalize Auburn.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sarah Payne, Auburn Development Advisory Committee Promotions Committee Chairperson, and Zach Lightner, Auburn

Development Advisory Committee Fund Development Chairperson.

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 Kruse.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1004, 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 11, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 21. IC 20-51-4-4, AS AMENDED BY P.L.106-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) The amount an eligible choice scholarship student is entitled to receive under this chapter for a school year is equal to the following:

(1) The least of the following:

(A) The sum of the tuition, transfer tuition, and fees required for enrollment or attendance of the eligible choice scholarship student at the eligible school selected by the eligible choice scholarship student for a school year that the eligible choice scholarship student (or the parent of the eligible choice scholarship student) would otherwise be obligated to pay to the eligible school.

(B) An amount equal to:

(i) ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of not more than the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program; and

(ii) fifty percent (50%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of in the case of an individual not described in **IC 20-51-1-4.3(3)(A), IC 20-51-1-4.3(3)(E), IC 20-51-1-4.3(3)(F)**, or section 2.5 of this chapter, not more than one hundred fifty percent (150%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program or, in the case of an individual described in **IC 20-51-1-4.3(3)(A), IC 20-51-1-4.3(3)(E), IC 20-51-1-4.3(3)(F)**, or section 2.5 of this chapter, not more than two hundred percent (200%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program.

(2) In addition, if the eligible choice scholarship student has been identified as eligible for special education services under IC 20-35 and the eligible school provides the necessary special education or related services to the eligible choice scholarship student, any amount that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation. However, if an eligible choice scholarship student changes schools during the school year after the December 1 count under IC 20-43-7-1 of eligible pupils enrolled in special education programs and the eligible choice scholarship student enrolls in a different eligible school, any choice scholarship amounts paid to the eligible choice

scholarship student for the remainder of the school year after the eligible choice scholarship student enrolls in the different eligible school shall not include amounts that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation.

(b) The amount an eligible choice scholarship student is entitled to receive under this chapter if the eligible student applies for the choice scholarship under section 7(e)(2) of this chapter shall be reduced on a prorated basis in the manner prescribed in section 6 of this chapter."

Delete pages 12 through 13.

(Reference is to HB 1004 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1010, 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 13, delete "the commission of".

(Reference is to HB 1010 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1062 as introduced.)

Committee Vote: Yeas 10, Nays 1.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1074, 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 property.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 32-25.5-3-10, AS ADDED BY P.L.141-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section applies to a proxy given by a member of a homeowners association.

(b) A proxy that does not comply with this subsection is void. A proxy must include all the following:

(1) The name and address of the member giving the proxy.

(2) The name of the individual empowered to exercise the member's proxy.

(3) The date on which the proxy is given.

(4) The date of the meeting for which the proxy is given.

(5) The member's signature, **whether executed by hand or as an electronic signature.**

(6) An affirmation under the penalties for perjury that the

individual signing the proxy has the authority to grant the proxy to the individual named in the proxy to exercise the member's proxy.

(c) A member may state in a proxy that the proxy is limited in its use to specific matters described in the proxy.

(d) A member may give a proxy for the meeting referred to in subsection (b)(4) and any continuation of that meeting, if the proxy states that it expires on a stated date that may not be more than one hundred eighty (180) days after the date on which the proxy is given.

(e) A member may create and use a proxy form designed by the member if the form complies with the requirements of subsection (b).

(f) A proxy, or a copy of the proxy, **regardless of whether the copy is a paper copy or an electronic copy**, that is exercised for any purpose at a meeting must be kept with the records of the meeting.

(g) Notwithstanding subsection (b)(6), a member may submit a proxy that complies with this section by:

- (1) hand delivery;
- (2) United States mail;
- (3) facsimile; or
- (4) electronic mail or other electronic means.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1074 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1091, 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 11-8-8-4.5, AS AMENDED BY P.L.13-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(B) the person is not more than:

- (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
- (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should

not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).

(16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).

(17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).

(18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.

(19) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).

(20) Disseminating matter harmful to minors (IC 35-49-3-3(a)(1)), if:

(1) the person is a child care worker (as defined in IC 35-42-4-7); and

(2) the victim of the offense is a child who:

(A) receives care, supervision, or instruction from the person within the scope of the person's duties as a child care worker at a shelter care facility, as described in IC 35-42-4-7(d)(1);

(B) attends the school corporation, charter school, nonpublic school, or special educational cooperative that employs the person as a child care worker, as described in IC 35-42-4-7(d)(2);

or

(C) attends a school corporation, charter school, nonpublic school, or special educational cooperative with which the person is affiliated as a child care worker, if the person:

(i) is in a position of trust with respect to the child;

(ii) engaged in the provision of care or supervision to the child;

(iii) is at least four (4) years older than the child; and

(iv) is not a student at the school or cooperative;

as described in IC 35-42-4-7(d)(3).

~~(21)~~ **(21)** An attempt or conspiracy to commit a crime listed in this subsection.

~~(22)~~ **(22)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 2. IC 11-8-8-5, AS AMENDED BY P.L.13-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).
- (15) Promotion of human trafficking under IC 35-42-3.5-1(a)(2).
- (16) Promotion of human trafficking of a minor under IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2).
- (17) Sexual trafficking of a minor (IC 35-42-3.5-1(c)).
- (18) Human trafficking under IC 35-42-3.5-1(d)(3) if the victim is less than eighteen (18) years of age.
- (19) Murder (IC 35-42-1-1).
- (20) Voluntary manslaughter (IC 35-42-1-3).
- (21) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).
- (22) Disseminating matter harmful to minors (IC 35-49-3-3(a)(1)), if:**

(1) the person is a child care worker (as defined in IC 35-42-4-7); and

(2) the victim of the offense is a child who:

(A) receives care, supervision, or instruction from the person within the scope of the person's duties as a child care worker at a shelter care facility, as described in IC 35-42-4-7(d)(1);

(B) attends the school corporation, charter school, nonpublic school, or special educational cooperative that employs the person as a child care worker, as described in IC 35-42-4-7(d)(2); or

(C) attends a school corporation, charter school, nonpublic school, or special educational cooperative with which the person is affiliated as a child care worker, if the person:

(i) is in a position of trust with respect to the child;

(ii) engaged in the provision of care or supervision to the child;

(iii) is at least four (4) years older than the child; and

(iv) is not a student at the school or cooperative;

as described in IC 35-42-4-7(d)(3).

~~(22)~~ **(23)** An attempt or conspiracy to commit a crime listed in this subsection.

~~(23)~~ **(24)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult."

Renumber all SECTIONS consecutively.

(Reference is to HB 1091 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1095, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1095 as introduced.)

Committee Vote: Yeas 12, Nays 1.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1200 as introduced.)

Committee Vote: Yeas 12, Nays 1.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1287, 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 12-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "case management" means an administrative function conducted locally by an area agency on aging that includes the following:

(1) Assessment of an individual to determine the individual's functional impairment level and corresponding need for services.

(2) Initial verification of an individual's income and assets.

~~(2)~~ (3) Development of a care plan addressing that:

(A) addresses an eligible individual's needs;

(B) takes into consideration the individual's family and community members who are willing to provide services to meet any of the individual's needs; and

(C) is consistent with a person centered approach to client care.

~~(3)~~ (4) Supervision of the implementation of appropriate and available services for an eligible individual.

~~(4)~~ (5) Advocacy on behalf of an eligible individual's interests.

~~(5)~~ (6) Monitoring the quality of community and home care services provided to an eligible individual.

~~(6)~~ (7) Reassessment of the care plan to determine:

(A) the continuing need and effectiveness of the community and home care services provided to an eligible individual under this chapter; and

(B) the annual reverification of an eligible individual's income and assets, as may be required by the division under section 4(d) of this chapter.

~~(7)~~ (8) Provision of information and referral services to individuals in need of community and home care services."

Page 1, line 9, delete "For" and insert "Except as provided in subdivision (5), for".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

"(5) An individual who applied initially to the program under IC 12-10-10.5 (expired June 30, 2017) between December 31, 2014, and June 30, 2017, within:

(A) Area 1;

(B) Area 4;

(C) Area 13; or

(D) Area 14;

of the area agencies on aging and had assets that did not exceed two hundred fifty thousand dollars (\$250,000). In determining assets under this subdivision, the division shall exclude an additional twenty thousand dollars (\$20,000) in countable assets."

Page 2, line 5, strike "perform two" and insert "perform any of the following:

(1) Two".

Page 2, line 9, delete "(1)", begin a new line double block indented and insert:

~~(1)~~ (A)".

Page 2, line 10, delete "(2)", begin a new line double block indented and insert:

~~(2)~~ (B)".

Page 2, line 12, delete "(3)", begin a new line double block indented and insert:

~~(3)~~ (C)".

Page 2, line 13, delete "(4)", begin a new line double block indented and insert:

~~(4)~~ (D)".

Page 2, between lines 13 and 14, begin a new line block indented and insert:

"(2) One (1) activity of daily living if, using the needs based assessment established under section 6.7(1) of this chapter and in accordance with written standards that are established by the division under subsection (f), the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(3) An activity that with targeted intervention or assistance with the activity, using the needs based assessment established under section 6.7(1) of this chapter and in accordance with written standards that are established by the division under subsection (f), the area agency on aging determines would significantly reduce the likelihood of the individual's loss of independence and the need for additional services."

Page 2, line 14, delete "IC 12-10-10.5-10(3)" and insert "IC 12-10-10-6.7(6)".

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"(f) The division shall establish written standards setting forth criteria that the area agencies on aging shall use in determining whether an individual who is unable to perform one (1) activity of daily living or one (1) activity under subsection (b)(2) or (b)(3) is eligible for the program.

SECTION 3. IC 12-10-10-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. The division shall convene collaborative workgroups with the area agencies on aging to develop policies that establish the following:

(1) A needs based assessment tool, that may be integrated with existing case management systems, to be used in determining a client's needs and care plan under section 1(3) of this chapter. The assessment must:

(A) determine eligibility for services based on documentation of insufficient support necessary to meet an identified deficit in a client's ability to ensure a safe and independent living environment; and

(B) include a standardized caregiver assessment.

(2) The percentage of program dollars adequate to provide case management services.

(3) Training necessary to effectively carry out this chapter.

(4) Data collection standards.

(5) Program performance measures.

(6) A cost participation schedule for program recipients as required by section 4(c) of this chapter.

SECTION 4. IC 12-10-10-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13. One (1) or more representatives of the area agencies on aging shall appear at each regularly scheduled meeting of the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1 and report on the progress of the program."**

Page 2, delete lines 38 through 42.

Delete pages 3 through 4.

Page 5, delete line 1.

Re-number all SECTIONS consecutively.

(Reference is to HB 1287 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1318, 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 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 27-1-23-4, AS AMENDED BY P.L.72-2016, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Material transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

- (1) The terms shall be fair and reasonable.
- (2) Agreements concerning cost sharing services and management must include provisions required by the commissioner in rules adopted under IC 4-22-2.
- (3) The charges or fees for services performed shall be reasonable.
- (4) The expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied.
- (5) The books, accounts, and records of each party as to all transactions described in this subsection shall be so maintained as to clearly and accurately disclose the nature and details of the transactions, including accounting information necessary to support the reasonableness of the charges or fees to the respective parties.
- (6) The insurer's surplus as regards policyholders following any transactions with affiliates or shareholder dividend shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) The following transactions involving a domestic insurer and any person in its insurance holding company system (including amendments or modifications to affiliate agreements previously filed under this chapter) that are subject to any materiality standards described in subdivisions (1) through (7) may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into such transaction at least thirty (30) days prior thereto, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period:

- (1) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments, provided those transactions are equal to or exceed:

(A) with respect to nonlife insurers, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders; and

(B) with respect to life insurers, three percent (3%) of the insurer's admitted assets;

each as of December 31 next preceding.

- (2) Loans or extensions of credit to any person who is not

an affiliate, where the insurer makes those loans or extensions of credit with the agreement or understanding that the proceeds of such transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making such loans or extensions of credit, provided those transactions are equal to or exceed:

(A) with respect to nonlife insurers, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders; and

(B) with respect to life insurers, three percent (3%) of the insurer's admitted assets;

each as of December 31 next preceding.

- (3) Reinsurance agreements or modifications thereto, including:

(A) reinsurance pooling agreements; and

(B) agreements under which:

- (i) a reinsurance premium;
- (ii) a change in the insurer's liabilities; or
- (iii) the projected reinsurance premium;

in any of the immediately succeeding three (3) years equals or exceeds five percent (5%) of the insurer's surplus as regards policyholders, as of December 31 next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one (1) or more affiliates of the insurer.

- (4) Management agreements, service contracts, cost-sharing arrangements, lease agreements, guarantees, and tax allocation agreements.

- (5) Guarantees made by the insurer, only as follows:

(A) A guarantee, the amount of which is not quantifiable.

(B) A guarantee, the amount of which is quantifiable, if the amount of the guarantee exceeds the lesser of:

- (i) one-half of one percent (0.5%) of the insurer's admitted assets; or
- (ii) ten percent (10%) of surplus as regards policyholders;

on December 31 of the immediately preceding calendar year.

- (6) Direct or indirect acquisitions or investments, as follows:

(A) In:

- (i) a person that controls the insurer; or
- (ii) an affiliate of the insurer in an amount that, together with the insurer's present holdings in the investments, exceeds two and one-half percent (2.5%) of the insurer's surplus to policyholders.

(B) This subdivision does not apply to direct or indirect acquisitions or investments in:

- (i) subsidiaries acquired under section 2.6 of this chapter; or
- (ii) nonsubsidiary insurance affiliates that are subject to this chapter.

- (7) Material transactions, specified by rule, that the commissioner determines may adversely affect the interests of the insurer's policyholders.

This subsection does not authorize or permit any transactions that, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law. Notice concerning amendments or modifications of a transaction must include the reasons for the change and the financial impact on the domestic insurer. Not more than thirty (30) days after an agreement that was previously filed under this section is terminated, the domestic insurer shall send written

notice of the termination to the commissioner. The commissioner shall determine whether a filing concerning the termination is required and shall notify the domestic insurer of the commissioner's determination.

(c) A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise.

(d) The commissioner, in reviewing transactions pursuant to subsection (b), shall consider whether the transactions comply with the standards set forth in subsection (a) and whether the transactions may adversely affect the interests of policyholders.

(e) The commissioner shall be notified within thirty (30) days of any investment of the domestic insurer in any one (1) corporation if the total investment in that corporation by the insurance holding company system exceeds ten percent (10%) of the corporation's voting securities.

(f) For purposes of this chapter, in determining whether an insurer's surplus is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

- (1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria.
- (2) The extent to which the insurer's business is diversified among the several lines of insurance.
- (3) The number and size of risks insured in each line of business.
- (4) The extent of the geographical dispersion of the insurer's insured risks.
- (5) The nature and extent of the insurer's reinsurance program.
- (6) The quality, diversification, and liquidity of the insurer's investment portfolio.
- (7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders.
- (8) The surplus as regards policyholders maintained by other comparable insurers in respect of the factors described in subdivisions (1) through (7).
- (9) The adequacy of the insurer's reserves.
- (10) The quality and liquidity of investments in subsidiaries, except that the commissioner may discount or treat any such investment in subsidiaries as a disallowed asset for purposes of determining the adequacy of surplus whenever in the commissioner's judgment such investment so warrants.
- (11) The quality of the earnings of the insurer and the extent to which the reported earnings of the insurer include extraordinary items.

(g) No domestic insurer subject to registration under section 3 of this chapter shall pay an extraordinary dividend or make any other extraordinary distribution to its security holders until:

- (1) thirty (30) days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment; or
- (2) the commissioner shall have approved such payment within such thirty (30) day period.

(h) For purposes of subsection (g), the following apply with respect to an extraordinary dividend or distribution:

- (+) an extraordinary dividend or distribution is any dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions made within the twelve (12) consecutive months ending on the date on which the proposed dividend or distribution is scheduled to be made, exceeds the lesser greater of:

(A) (1) ten percent (10%) of such insurer's surplus as regards policyholders as of the most recently preceding December 31; or

(B) (2) the:

(i) (A) net gain from operations of such insurer, if such insurer is a life insurer; or

(ii) (B) net income, if such insurer is not a life insurer;

not including realized capital gains, for the twelve (12) month period ending on the most recently preceding December 31.

(2) An extraordinary dividend or distribution does not include pro rata distribution of any class of an insurer's own securities.

(3) For purposes of determining whether a dividend or distribution is extraordinary, an insurer that is not a life insurer may carry forward net income that:

(A) was received during the two (2) immediately preceding calendar years; and

(B) has not been paid out as dividends;

computed by subtracting the amount of dividends paid in the first and second immediately preceding calendar years from the amount of net income, not including realized capital gains, received in the second and third immediately preceding calendar years.

(i) Notwithstanding any other provision of law, a domestic insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, but such a declaration shall confer no rights upon shareholders until:

- (1) the commissioner has approved the payment of such dividend or distribution; or
- (2) the commissioner has not disapproved the payment within the thirty (30) day period referred to in subsection (g).

(j) The commissioner may impose a civil penalty of five thousand dollars (\$5,000) on a person who fails to file a transaction as required by this section. The commissioner shall deposit a civil penalty collected under this subsection in the department of insurance fund established by IC 27-1-3-28."

Page 8, delete lines 19 through 41.

Page 11, line 7, delete ", including liability for" and insert ".".

Page 11, delete lines 8 through 28.

Page 12, after line 31, begin a new paragraph and insert:

"SECTION 22. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1318 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1342 as introduced.)

Committee Vote: Yeas 20, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1349, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1349 as introduced.)

Committee Vote: Yeas 10, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1406, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1406 as introduced.)

Committee Vote: Yeas 10, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1471, 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 12, delete line 39.

Page 12, line 40, reset in roman "(1)".

Page 12, line 40, delete "(2)".

Page 12, line 42, reset in roman "(2)".

Page 12, line 42, delete "(3)".

Page 13, line 2, reset in roman "(3)".

Page 13, line 2, delete "(4)".

Page 13, line 4, reset in roman "(4)".

Page 13, line 4, delete "(5)".

Page 13, line 6, delete ". To the extent that money available in the" and insert "**as follows:**

(1) The authority may budget, allocate, and disburse from the 211 services account an aggregate amount not to exceed sixty thousand dollars (\$60,000) each state fiscal year to carry out the purposes of the authority under this chapter.

(2) To the extent that money available in the"

Page 13, line 10, delete "office of the lieutenant governor" and insert "**budget committee**".

Page 13, line 13, delete "After consulting with".

Page 13, line 14, delete "the authority," and insert "**The authority, after consulting with**".

Page 14, reset in roman lines 11 through 12.

Page 14, line 13, reset in roman "(g)".

Page 14, line 13, delete "(f)".

Page 14, line 16, reset in roman "(h)".

Page 14, line 16, delete "(g)".

Page 15, line 25, strike "(c) The".

Page 15, line 25, delete "legislative services agency".

Page 15, line 25, strike "shall study the".

Page 15, strike lines 26 through 32.

Page 15, line 33, strike "operation of these toll-free telephone numbers. The".

Page 15, line 34, delete "legislative services agency".

Page 15, line 34, strike "shall, before December 1,".

Page 15, line 34, delete "2017,".

Page 15, strike line 35.

Page 15, line 36, delete "interim study committee on fiscal policy".

Page 15, delete line 37.

Page 15, line 38, strike "(d)" and insert "(c)".

(Reference is to HB 1471 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1492, 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 17, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 25. IC 9-13-2-196, AS AMENDED BY P.L.198-2016, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway. The term does not include the following:

(1) A device moved by human power.

(2) A device that runs only on rails or tracks.

(3) A wheelchair.

(b) For purposes of IC 9-17, the term includes the following:

(1) Off-road vehicles.

(2) Manufactured homes or mobile homes that are:

(A) personal property not held for resale; and

(B) not attached to real estate by a permanent foundation.

(3) Watercraft.

(c) For purposes of IC 9-22 and IC 9-32, the term refers to a vehicle of a type that must be registered under IC 9-18-2 (before its expiration) or IC 9-18.1, other than an off-road vehicle or a snowmobile under IC 9-18-2.5 (before its expiration) or ~~IC 9-18.1-4~~ **IC 9-18.1-14**.

(d) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device."

Page 19, delete lines 38 through 42.

Page 20, delete lines 1 through 21.

Page 23, delete lines 1 through 19.

Re-number all SECTIONS consecutively.

(Reference is to HB 1492 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1526, 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 19, reset in roman lines 32 through 35.

Page 21, line 7, delete "Commissioner" and insert "**commissioner**".

Page 22, delete line 1.

Page 22, line 7, delete "the following" and insert ",".

Page 22, line 8, delete "filing:" and insert "**filing,**".

Page 22, line 9, delete "(A) The" and insert "**the**".

Page 22, run in lines 8 through 9.

Page 22, delete line 13.

(Reference is to HB 1526 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1571, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1571 as introduced.)

Committee Vote: Yeas 10, Nays 0.

KIRCHHOFFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1625, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1625 as introduced.)

Committee Vote: Yeas 11, Nays 0.

WASHBURNE, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1048

Pursuant to House Rule 143, the author of HB 1048, Representative Aylesworth, granted consent to the coauthor, Representative DeLaney, to call the bill down for second reading. Representative DeLaney called down House Bill 1048 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1048-1)

Mr. Speaker: I move that House Bill 1048 be amended to read as follows:

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

Page 4, after line 11, begin a new paragraph and insert:

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1048 as printed January 31, 2017.)

DELANEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1154

Representative Leonard called down House Bill 1154 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1235

Representative Lehe called down House Bill 1235 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1272

Representative Negele called down House Bill 1272 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1274

Representative Summers called down House Bill 1274 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1286

Representative Stemler called down House Bill 1286 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1336

Representative Kirchhofer called down House Bill 1336 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1336-2)

Mr. Speaker: I move that House Bill 1336 be amended to read as follows:

Page 1, delete lines 3 through 17.

Renumber all SECTIONS consecutively.

(Reference is to HB 1336 as printed January 27, 2017.)

KIRCHHOFFER

Motion prevailed. The bill was ordered engrossed.

House Bill 1382

Representative Behning called down House Bill 1382 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1382-2)

Mr. Speaker: I move that House Bill 1382 be amended to read as follows:

Page 2, delete lines 31 through 36.

Renumber all SECTIONS consecutively.

(Reference is to HB 1382 as printed January 31, 2017.)

DELANEY

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS
ON THIRD READING**Engrossed House Bill 1036**

Representative Steuerwald called down Engrossed House Bill 1036 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 45: yeas 68, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Bray, and Ruckelshaus.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1117 as introduced.)

Committee Vote: Yeas 11, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1155 as introduced.)

Committee Vote: Yeas 12, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1295 as introduced.)

Committee Vote: Yeas 11, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1396, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1396 as introduced.)

Committee Vote: Yeas 11, Nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1493, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "any" and insert "**the office shall reimburse under Medicaid for assisted living services in a**".

Page 1, line 5, delete "must include" and insert ".".

Page 1, delete line 6.

Page 4, line 9, after "services" insert "**in the Medicaid program**".

Page 5, line 39, delete "a health care facility that" and insert "**an entity licensed under IC 16-28 and registered as a housing with services establishment under IC 12-10-15**".

Page 5, delete lines 40 through 42.

Page 6, delete lines 1 through 5.

Page 6, line 11, after "services" insert "**in the Medicaid program**".

Page 6, line 26, strike "July 2, 2015." and insert "**July 1, 2017**".

Page 8, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 13. IC 16-28-2.5-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6.5. The state department may approve a construction permit, a new or amended license to operate, a transfer of comprehensive care beds, or Medicaid certification for a comprehensive care health facility for any of the following:**

(1) A replacement facility, if the comprehensive care health facility that is being replaced by the replacement facility:

(A) will no longer be licensed as a comprehensive care health facility sixty (60) days after the replacement facility obtains a license from the state department; and

(B) transfers any of the comprehensive care beds, including the certification status of the beds, to the replacement facility.

(2) An existing comprehensive care health facility adding comprehensive care beds, if the additional comprehensive care beds are obtained through a written agreement with another comprehensive care

health facility that has provided notice of closure under 42 CFR 483.70, or any successor regulation or law. The existing comprehensive care health facility obtaining comprehensive care beds or Medicaid certification of comprehensive care beds from the closing comprehensive care health facility shall take all necessary actions to add the obtained comprehensive care beds or Medicaid certification of comprehensive care beds not later than one (1) year after the closure of the closing comprehensive care health facility.

(3) The licensure and Medicaid certification of a new comprehensive care health facility, if a person has applied to construct at least one (1) new comprehensive care health facility and:

(A) the person submitting the application has obtained through a written agreement with at least two (2) existing comprehensive care health facilities any of the existing comprehensive care health facilities' beds, including the certification status of the comprehensive care beds that will be transferred to the applicant's new comprehensive care health facility;

(B) the existing comprehensive care health facilities that will transfer comprehensive care beds, including the certification status of the comprehensive care beds, to the applicant's new comprehensive care health facility may no longer be licensed as a comprehensive care health facility sixty (60) days after the applicant obtains a license from the state department; and

(C) unless granted an exception by both the state department and the office of Medicaid policy and planning, if an existing comprehensive care health facility seeking to transfer comprehensive care beds is located in a medically underserved area, as designated by the federal Health Resources & Services Administration, at least one (1) of the new comprehensive care health facilities constructed by the applicant must be constructed within five (5) minutes drive time or five (5) miles of the existing comprehensive care health facility that is located in the medically underserved area.

A person may submit an application to construct more than one (1) new comprehensive care health facility if the number of existing comprehensive care health facilities that would close under clause (B) is greater than the number of new comprehensive care health facilities to be constructed."

Page 9, delete lines 1 through 26.

Renumber all SECTIONS consecutively.

(Reference is to HB 1493 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1578, 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 19, between lines 19 and 20, begin a new paragraph and insert:

"(b) It is recommended that the revenue generated from this act be dedicated to health related matters."

Page 19, line 20, delete "(b)" and insert "(c)".

(Reference is to HB 1578 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1592, 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 8 through 34, begin a new paragraph and insert:

"SECTION 2. IC 9-32-11-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 20. (a) This section does not apply to:**

- (1) a manufacturer of a trailer or semitrailer; or
- (2) a manufacturer that produces fewer than one thousand (1,000) units per year.

(b) Except as provided in subsection (c), a manufacturer may not engage in sales directly to the general public in Indiana.

(c) A manufacturer may engage in sales directly to the general public in Indiana only if:

- (1) the manufacturer was granted an initial license to sell new motor vehicles before July 1, 2015; and
- (2) the manufacturer establishes at least one (1) physical location in Indiana that is a warranty repair service center before January 1, 2018.

(d) A manufacturer described in subsection (c) must stop engaging in sales directly to the general public in Indiana if the manufacturer sells, transfers, or conveys a majority interest in the manufacturer to another person that is required to be licensed under this chapter."

Re-number all SECTIONS consecutively.

(Reference is to HB 1592 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1642, 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 concerning health.

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. [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 during the 2017 interim the task of studying goals, benchmarks, and plans to reduce the incidence of diabetes in Indiana, improve diabetes care, and control complications associated with diabetes, including the following:"

Page 1, line 16, delete "The assessment must include".

Page 1, delete line 17, begin a new line block indented and insert:

"(2) The benefits of current programs to address diabetes.

(3) Identifying current and collaborative efforts to address diabetes.

(d) If an appropriate study committee is assigned the topics described under subsection (c), the study committee shall issue to the legislative council a final report containing the study committee's findings and recommendations, including evidence based recommendations for legislative action to reduce the impact of prediabetes, diabetes and diabetes-related complications, an estimated cost for each recommendation, and any recommended legislation concerning the topics, in an electronic format under IC 5-14-6, not later than November 1, 2017.

(e) This SECTION expires December 31, 2017.

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

Delete pages 2 through 3.

(Reference is to HB 1642 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KIRCHHOFER, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that House Bill 1382 be returned to the second reading calendar forthwith for the purpose of amendment.

BEHNING

Motion prevailed.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1062, 1155, 1493, 1578 and 1625 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1059.

SHACKLEFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representative Porter be added as coauthor of House Bill 1062.

STEUERWALD

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 Pierce be added as coauthor of House Bill 1077.

BARTLETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as coauthor of House Bill 1079.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Schaibley and Karickhoff be added as coauthors of House Bill 1085.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1097.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Errington and Goodin be added as coauthors of House Bill 1110.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wright be added as coauthor of House Bill 1117.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Harris be added as coauthor of House Bill 1189.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Miller and Lucas be added as coauthors of House Bill 1226.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Baird, Wright and Gutwein be added as coauthors of House Bill 1235.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Baird, Wright and J. Taylor be added as coauthor of House Bill 1236.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Baird, Wright and Friend be added as coauthors of House Bill 1237.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bauer and Steuerwald be added as coauthors of House Bill 1274.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Judy, C. Brown and Bauer be added as coauthors of House Bill 1306.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as coauthor of House Bill 1318.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as coauthor of House Bill 1356.

ERRINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1370.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1493.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1508.

JUDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ober be added as coauthor of House Bill 1519.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1526.

HEATON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Lehman and Schaibley be added as coauthors of House Bill 1577.

STEUERWALD

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

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 19, 30, 49, 51, 73, 86, 120, 152, 153, 185, 191, 239, 282, 300, 316, 346, 396, 409, 457 and 511 and the same are herewith transmitted to the House for further action.

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 13, 14 and 15 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Steuerwald, the House adjourned at 11:07 a.m., this second day of February, 2017, until Monday, February 6, 2017, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives