Journal of the House

State of Indiana

119th General Assembly *Second Regular Session*

Twenty-fourth Day **Thursday Morning** **February 25, 2016**

The invocation was offered by Pastor Matt Barnes of Capitol Commission.

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 members of the Girls Scouts, who are guests today.

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

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

Roll Call 237: 96 present; 4 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1038, 1053, 1068, 1085, 1090, 1183, 1209, 1219 and 1278 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 1005, 1012, 1201, 1233, 1359 and 1395 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 concurred in the House amendments to Engrossed Senate Bills 26 and 81.

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 48 and 50 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

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

RESOLUTIONS ON FIRST READING

House Resolution 32

Representative Borders introduced House Resolution 32:

A HOUSE RESOLUTION honoring Betty Weir on the occasion of her retirement from the Legislative Services Agency.

Whereas, Betty Weir joined the Legislative Services Agency (LSA) family on September 30, 1985, and left its employ on October 2, 2015;

Whereas, Originally from Fort Wayne, Betty worked for over 20 years in the Office of Code Revision before she began job sharing the receptionist position in Room 301 in 2006;

Whereas, During her time here, Betty greeted everyone with a smile and a friendly "hello";

Whereas, Betty was always a team player, and no job was too big or too small for Betty;

Whereas, Betty willingly accepted all assignments and completed them in a thorough and efficient manner;

Whereas, A true music lover, Betty enjoyed being serenaded with Elvis Presley songs whenever possible, one of her favorites being "Blue Suede Shoes";

Whereas, Before coming to work at the LSA, Betty worked for Kelly Services, Inc. for two years;

Whereas, In her spare time, Betty enjoys her membership in the Red Hat Society and the Women's Club;

Whereas, Betty's family is the center of her life, and she can often be heard sharing stories about her children, two grandchildren, and five great-grandchildren;

Whereas, Betty suffered a great loss with the death of her daughter, Cheryl Tipton, during Betty's time at the LSA, but was comforted and supported by her family and friends; and

Whereas, Betty Weir dedicates her life to helping others, whether they be family, friends, or co-workers; her presence will be missed by all of us who know and love her: 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 wishes to thank Betty Weir for her 30 years of dedicated service to the Legislative Services Agency and the Indiana General Assembly and wishes her good health and much happiness in retirement.

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

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

House Concurrent Resolution 51

Representatives Pryor, Bartlett, C. Brown, Harris, Porter, Shackleford, V. Smith, Summers, DeLaney, Errington, Bauer, Austin, Pierce, Richardson, Zent, Klinker, Koch, GiaQuinta, Soliday, Truitt, Karickhoff, Macer, Moed, Stemler, Burton, Clere, Arnold, Kirchhofer, Huston, Pelath, Eberhart, Bosma, Lehe, Cook, Culver, DeVon, Negele, Carbaugh, Ober, Behning, Brown, T., Cherry, Thompson, Lehman, Hale, Niezgodski and Kersey introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION memorializing former Representative William Crawford.

Whereas, Representative William Crawford is remembered as a champion for social justice and equality;

Whereas, During his career, Representative William Crawford fought for legislation that helped working men and women, children, and the elderly;

Whereas, Often described as a "giant among men", Representative William Crawford died on September 25, 2015, at the age of 79;

Whereas, Representative William Crawford represented the 98th District in the House of Representatives from 1972 through 2012, 40 years of building a legacy that made him the most influential African-American elected official in Indiana's history and the longest serving state lawmaker in the United States;

Whereas, Born in Indianapolis on January 28, 1936, in Lockefield Gardens in Indianapolis, he served in the United States Navy followed by employment at the Post Office;

Whereas, Representative William Crawford never set out to become a politician, but his life changed in 1968;

Whereas, Representative Crawford was present on April 4, 1968, and heard Senator Robert Kennedy's words announcing the death of Dr. Martin Luther King, Jr.;

Whereas, Hearing the words of Senator Robert Kennedy that fateful night helped shape his career as a community activist and public servant;

Whereas, For Representative Crawford, Senator Kennedy's words were a call to "translate his religion into action", and he worked for the next 47 years to do that;

Whereas, In 1972, then State Representative Julia Carson persuaded William Crawford to run for the state legislature;

Whereas, As a representative, William Crawford was active in organizing the Indiana Black Legislative Caucus (IBLC) and the National Black Caucus of State Legislators, which honored him as Legislator of the Year in 1995;

Whereas, Representative Crawford was also named the Outstanding Freshman Democrat (1973, Indiana Broadcasters Association) and Legislator of the Year (1996, National Black Chamber of Commerce);

Whereas, Representative Crawford was instrumental in creating the Indiana Black Expo and served as a longtime board member and officer of the organization;

Whereas, In his first term in office, Representative Crawford was appointed to the powerful Ways and Means Committee where he fought for greater opportunities for women and minority-owned businesses, civil rights and equality, and affordable housing;

Whereas, In 2002, Representative Crawford served as chairman of the Ways and Means Committee, the first African-American lawmaker to hold this position, and worked to ensure that state spending was just and that the underserved were not overlooked;

Whereas, Representative Crawford worked closely with legendary Indianapolis minister and activist Reverend Andrew Brown in his efforts to fight for equality for blacks in Indianapolis;

Whereas, Representative Crawford also worked outside of the legislature to improve and empower the local community, working with organizations such as the Concerned Clergy, Indiana Black Expo, the Circle City Classic, and the NAACP;

Whereas, Representative Crawford served as a delegate to the first, second, and third National Black Political Conventions (1972, 1974, and 1976), the National Conference on the Black Agenda (1980), the National Black Leadership Summit (1982), and the Democratic National Conventions in 1984, 1988 (supporting Jesse Jackson), and 2008 (Barack Obama);

Whereas, An ardent supporter of public education, Representative Crawford was instrumental in the passage of the 21st Century Scholarship Program and fought for school integration, improving the quality of education, funding for public schools, and for cultural and racial diversity in Indianapolis schools;

Whereas, Representative Crawford knew the importance of teachers and passed legislation creating the Minority Teachers Scholarship Program, and worked for nearly 25 years as manager of Community Relations and Outreach Programs at Ivy Tech Community College;

Whereas, Representative Crawford's deep devotion to diversity and to opening the educational doors to nontraditional students helped Ivy Tech have the largest enrollment of African-Americans and other minorities of any public university or college in Indiana;

Whereas, Throughout his career, Representative Crawford remained devoted to the people on the streets and represented this community all the way to the United States Supreme Court;

Whereas, Representative Crawford was the lead plaintiff in the lawsuit against Indiana's Voter ID Law, saying it was a thinly veiled attempt to disenfranchise poor, minority, and Democratic voters;

Whereas, While the Supreme Court ruled against Representative Crawford, the issues raised against Voter ID laws have been used by subsequent courts to limit or curb the use of Voter ID laws in other states; and

Whereas, Representative William Crawford will long be remembered as a champion for the poor and disadvantaged and as one who not only led but taught those he served: 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 remembers Representative William Crawford for his many accomplishments and his great love for the people he served.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Representative William Crawford.

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 sponsors: Senators Randolph, Breaux, Rogers, Taylor, Stoops, Mrvan, Tallian, Zakas, Broden, Kruse, Pete Miller, Becker, Long, Lanane, Walker, Yoder, Kenley, Merritt, Pat Miller, Charbonneau, Glick, Leising, Tomes, Arnold, Smith, Grooms, Banks and Buck.

The House stood for a moment of silence in memory of Representative Bill Crawford.

Senate Concurrent Resolution 43

The Speaker handed down Senate Concurrent Resolution 43, sponsored by Representative Lehman:

A CONCURRENT RESOLUTION memorializing the honorable life and service of former Allen County Prosecutor and State Senator Walter P. Helmke.

Whereas, Walter P. Helmke was born in Fort Wayne, Indiana on December 28, 1927;

Whereas, Following the venerable footsteps of his father, Walter E. Helmke, who was affectionately known as "Mr. Republican," Helmke devoted his own life to serving both his community and state as well;

Whereas, Helmke received his B.A. from Indiana University in 1950, and his J.D. from Valparaiso University in 1952;

Whereas, After practicing law for several years, Helmke went on to serve as the Prosecuting Attorney of Allen County from 1962 until 1970;

Whereas, Helmke was then elected to the Indiana State Senate in 1970, where he was a champion of pro-life efforts;

Whereas, Senator Helmke served parts of Adams, Allen, and DeKalb Counties until 1974;

Whereas, Following his elected service, Helmke continued to practice law at Helmke Beams LLP and remained involved in state government, serving as Governor Otis Bowen's liaison to the Indiana State Senate for several years;

Whereas, Active in his community, Helmke also served as Chairman of the Greater Fort Wayne Chamber of Commerce, Chairman of Indiana University-Purdue University Fort Wayne's (IPFW) Community Advisory Council, and Chairman of Parkview Memorial Hospital;

Whereas, For his professional achievements and ongoing support of local organizations, Helmke was a recipient of IPFW's Ralph E. Broyles Medal, the Allen County Bar Association's first Lifetime Achievement Award, and the Fort Wayne North Side Distinguished Alumni Award;

Whereas, Helmke and his loving wife of 67 years, Rowene, had three children together, seven grandchildren, and six great grandchildren; and

Whereas, Helmke passed away on January 20, 2016, surrounded by three generations of descendants, and will be remembered and missed by so many: Therefore,

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

SECTION 1. That the Indiana General Assembly memorializes the honorable life and service of its friend, Walter P. Helmke.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Walter P. Helmke's son and former Fort Wayne mayor, Paul Helmke, and his daughter, Marsha Shirk.

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.

House Concurrent Resolution 49

Representative Niezgodski introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION recognizing Rebecca Bonham on the occasion of her retirement.

Whereas, Rebecca Bonham retired on January 31, 2016, after serving as executive director of the Studebaker National Museum since 2001;

Whereas, Rebecca Bonham served as interim director before being named to the position permanently;

Whereas, In 1966 the Studebaker Corporation donated its collection to the city of South Bend, and the Studebaker National Museum came into existence;

Whereas, In 1977 the collection moved to the newly built Century Center's Discovery Hall Museum;

Whereas, Rebecca Bonham served as the museum's director of development and headed the fundraising drive to build the new museum that opened in 2005;

Whereas, Rebecca's outstanding fundraising abilities resulted in the new $9.6 million museum that opened on Chapin Street in 2005; and

Whereas, Rebecca Bonham has worked diligently "to keep the flame of the Studebaker tradition alive and burning for generations to come": 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 thanks Rebecca Bonham for her dedicated service to the people of

South Bend and her devotion to the Studebaker National Museum.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Rebecca Bonham.

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 Broden.

Representative Dvorak, who had been excused is now present. Representatives Behning and Eberhart are excused.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 11, 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 ESB 11 as printed February 19, 2016.)

Committee Vote: Yeas 21, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 14, 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, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-23-20.5, AS ADDED BY P.L.237-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) As used in this section, "adult entertainment" means adult oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

(b) This section applies to the holder of a retailer's permit that provides adult entertainment on the licensed premises.

(c) The holder of a retailer's permit that provides adult entertainment on the licensed premises shall do the following:

(1) Require a performer who provides adult entertainment on the licensed premises to provide proof of age by ~~two (2) forms~~ **at least one (1) form** of government issued identification, including a:

(A) state issued driver's license;

(B) state issued identification card; or

(C) passport;

showing the performer to be at least eighteen (18) years of age.

(2) Require a performer who provides adult entertainment on the licensed premises to provide proof of legal residency in the United States by means of:

(A) a birth certificate;

(B) a Social Security card;

(C) a passport;

(D) valid documentary evidence described in IC 9-24-9-2.5; or

(E) other valid documentary evidence issued by the United States demonstrating that the performer is entitled to reside in the United States.

(3) Take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises at the time of the audition and retain the photograph for at least three (3) years after:

(A) the date of the audition; or

(B) the last day on which the performer provides adult entertainment at the licensed premises;

whichever is later. A photograph taken under this subdivision must **only** show the adult entertainer's facial features.

(4) Require all performers and other employees of the retail permit holder to sign a document approved by the commission to acknowledge their awareness of the problem of human trafficking.

(5) Display human trafficking awareness posters in at least two (2) of the following locations on the licensed premises:

(A) The office of the manager of the licensed premises.

(B) The locker room used by performers or other employees.

(C) The break room used by performers or other employees.

Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.

(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section.

(d) The commission may revoke, suspend, or refuse to renew the permit issued for the licensed premises if the holder fails to comply with subsection (c).

(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:

(1) the extent to which the permit holder has cooperated with any law enforcement investigation as required by subsection (c)(6); and

(2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:

(A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and

(B) has been approved by:

(i) a department of the United States government; or

(ii) a nationwide association made up of operators who run adult entertainment establishments.".

Page 7, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 6. IC 16-42-27-2, AS ADDED BY P.L.32-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A prescriber may, directly or by standing order, prescribe or dispense an overdose intervention drug without examining the individual to whom it may be administered if all of the following conditions are met:

(1) The overdose intervention drug is dispensed or prescribed to:

(A) a person at risk of experiencing an opioid-related overdose; or

(B) a family member, a friend, or any other individual or entity in a position to assist an individual who, there is reason to believe, is at risk of experiencing an opioid-related overdose.

(2) The prescriber instructs the individual receiving the overdose intervention drug or prescription to summon emergency services either immediately before or immediately after administering the overdose intervention drug to an individual experiencing an opioid-related overdose.

(3) The prescriber provides education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(4) The prescriber provides drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that

offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(b) A prescriber may provide a prescription of an overdose intervention drug to an individual as a part of the individual's addiction treatment plan.

(c) An individual described in subsection (a)(1) may administer an overdose intervention drug to an individual who is suffering from an overdose.

(d) An individual described in subsection (a)(1) may not be considered to be practicing medicine without a license in violation of IC 25-22.5-8-2, if the individual, acting in good faith, does the following:

(1) Obtains the overdose intervention drug from a prescriber.

(2) Administers the overdose intervention drug to an individual who is experiencing an apparent opioid-related overdose.

(3) Attempts to summon emergency services either immediately before or immediately after administering the overdose intervention drug.

(e) An entity acting under a standing order issued by a prescriber must do the following:

(1) Annually register with either the:

(A) state department; or

(B) local health department in the county where services will be provided by the entity;

in a manner prescribed by the state department.

(2) Provide education and training on drug overdose response and treatment, including the administration of an overdose intervention drug.

(3) Provide drug addiction treatment information and referrals to drug treatment programs, including programs in the local area and programs that offer medication assisted treatment that includes a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.

(f) A law enforcement officer may not take an individual into custody based solely on the commission of an offense described in subsection (g), if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that the individual:

(1) obtained the overdose intervention drug as described in subsection (a)(1);

(2) complied with the provisions in subsection (d);

(3) administered an overdose intervention drug to an individual who appeared to be experiencing an opioid-related overdose;

(4) provided:

(A) the individual's full name; and

(B) any other relevant information requested by the law enforcement officer;

(5) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived;

(6) cooperated with emergency medical assistance personnel and law enforcement officers at the scene; and

(7) came into contact with law enforcement because the individual requested emergency medical assistance for another individual who appeared to be experiencing an opioid-related overdose.

(g) An individual who meets the criteria in subsection (f) is immune from criminal prosecution for the following:

(1) IC 35-48-4-6 (possession of cocaine).

(2) IC 35-48-4-6.1 (possession of methamphetamine).

(3) IC 35-48-4-7 (possession of a controlled substance).

(4) IC 35-48-4-8.3 (possession of paraphernalia).

(5) IC 35-48-4-11 (possession of marijuana).

(6) IC 35-48-4-11.5 (possession of a synthetic drug or synthetic drug lookalike substance).".

Page 12, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 13. IC 35-38-1-17, AS AMENDED BY P.L.164-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section applies to a person who:

(1) commits an offense; or

(2) is sentenced;

before July 1, 2014.

(b) This section does not apply to a credit restricted felon.

(c) Except as provided in subsections (k) and (m), this section does not apply to a violent criminal.

(d) As used in this section, "violent criminal" means a person convicted of any of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Kidnapping (IC 35-42-3-2).

(8) Rape (IC 35-42-4-1).

(9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(10) Child molesting (IC 35-42-4-3).

(11) **Sexual misconduct with a minor as a Class A felony under IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2) (for a crime committed before July 1, 2014) or** sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2) **(for a crime committed after June 30, 2014).**

(12) **Robbery as a Class A felony or a Class B felony (IC 35-42-5-1) (for a crime committed before July 1, 2014) or** robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) **(for a crime committed after June 30, 2014).**

(13) **Burglary as Class A felony or a Class B felony (IC 35-43-2-1) (for a crime committed before July 1, 2014) or** burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1) **(for a crime committed after June 30, 2014).**

(14) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5).

(e) At any time after:

(1) a convicted person begins serving the person's sentence; and

(2) the court obtains a report from the department of correction concerning the convicted person's conduct while imprisoned;

the court may reduce or suspend the sentence and impose a sentence that the court was authorized to impose at the time of sentencing. The court must incorporate its reasons in the record.

(f) If the court sets a hearing on a petition under this section, the court must give notice to the prosecuting attorney and the prosecuting attorney must give notice to the victim (as defined in IC 35-31.5-2-348) of the crime for which the convicted person is serving the sentence.

(g) The court may suspend a sentence for a felony under this section only if suspension is permitted under IC 35-50-2-2.2.

(h) The court may deny a request to suspend or reduce a sentence under this section without making written findings and conclusions.

(i) The court is not required to conduct a hearing before reducing or suspending a sentence under this section if:

(1) the prosecuting attorney has filed with the court an agreement of the reduction or suspension of the sentence; and

(2) the convicted person has filed with the court a waiver of the right to be present when the order to reduce or suspend the sentence is considered.

(j) This subsection applies only to a convicted person who is not a violent criminal. A convicted person who is not a violent criminal may file a petition for sentence modification under this section:

(1) not more than one (1) time in any three hundred sixty-five (365) day period; and

(2) a maximum of two (2) times during any consecutive period of incarceration;

without the consent of the prosecuting attorney.

(k) This subsection applies to a convicted person who is a violent criminal. A convicted person who is a violent criminal may, not later than three hundred sixty-five (365) days from the date of sentencing, file one (1) petition for sentence modification under this section without the consent of the prosecuting attorney. After the elapse of the three hundred sixty-five (365) day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney.

(l) A person may not waive the right to sentence modification under this section as part of a plea agreement. Any purported waiver of the right to sentence modification under this section in a plea agreement is invalid and unenforceable as against public policy. This subsection does not prohibit the finding of a waiver of the right to sentence modification for any other reason, including failure to comply with the provisions of this section.

(m) Notwithstanding subsection (k), a person who commits an offense after June 30, 2014, and before May 15, 2015, may file one (1) petition for sentence modification without the consent of the prosecuting attorney, even if the person has previously filed a petition for sentence modification.".

Page 14, line 8, strike "(e)," and insert "**(g),**".

Page 14, between lines 22 and 23, begin a new paragraph and insert:

"**(e) A person who knowingly or intentionally visits a building, structure, vehicle, or other place with the intent to violate subsection (a), (b), (c), or (d) commits visiting a common nuisance, a Class A misdemeanor.**

(f) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times to violate subsection (a), (b), (c), or (d) commits maintaining a common nuisance, a Level 6 felony.".

Page 14, line 23, strike "(e)" and insert "**(g)**".

Page 30, after line 28, begin a new paragraph and insert:

"SECTION 23. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 14 as printed January 7, 2016.)

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 Public Health, to which was referred Senate Bill 15, 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 17.

Page 2, delete lines 1 through 32.

Page 2, line 33, delete "Sec. 2.", begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE]".

Page 2, line 33, delete "chapter," and insert "**SECTION,**".

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

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

(c) The general assembly urges the legislative council to assign to an appropriate study committee the topics related to the establishment of a food desert grant and loan program within a state agency to assist:

(1) new businesses;

(2) existing businesses; or

(3) any legal entity;

to offer fresh and unprocessed foods within a food desert.

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

(e) This SECTION expires January 1, 2017.

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

Delete pages 3 through 4.

(Reference is to SB 15 as printed January 12, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 30, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 30 as printed January 29, 2016.)

Committee Vote: Yeas 8, Nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 31, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 2-5-1.3-4, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:

(1) Agriculture and Natural Resources.

(2) Commerce and Economic Development.

(3) Corrections and Criminal Code.

(4) Courts and the Judiciary, **including the Probate Study subcommittee established under section 12 of this chapter.**

(5) Education.

(6) Elections.

(7) Employment and Labor.

(8) Energy, Utilities, and Telecommunications.

(9) Environmental Affairs.

(10) Financial Institutions and Insurance.

(11) Government.

(12) Public Safety and Military Affairs.

(13) Pension Management Oversight.

(14) Public Health, Behavioral Health, and Human

Services.
(15) Public Policy.
(16) Roads and Transportation.
(17) Fiscal Policy.

SECTION 2. IC 2-5-1.3-12, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) **Except as provided by subsection (b),** the chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.

(b) A probate study subcommittee is established for the interim study committee on courts and the judiciary. The chair of the interim study committee on courts and the judiciary may establish not more than one (1) other subcommittee under subsection (a). The probate study subcommittee consists of the following members:

(1) One (1) member, appointed by the president pro tempore of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.

(2) One (1) member, appointed by the minority leader of the senate, who is a member of the senate on the interim study committee on courts and the judiciary.

(3) One (1) member, appointed by the speaker of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.

(4) One (1) member, appointed by the minority leader of the house of representatives, who is a member of the house of representatives on the interim study committee on courts and the judiciary.

(5) Lay members appointed under section 6 of this chapter, if the legislative council authorizes the appointment of lay members to the probate study subcommittee. Two (2) of the members appointed under this subdivision must be residents of Indiana and work in the trust department of a bank, trust company, savings institution, or credit union chartered and supervised under IC 28 or federal law.

A member of the probate study subcommittee serves at the pleasure of the appointing authority. IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair of the probate study subcommittee. The probate study subcommittee shall meet on the call of the chair of the probate study subcommittee with the consent of the chair of the interim study committee on courts and the judiciary. The probate study subcommittee shall carry out a program to study and recommend to the interim study committee on courts and the judiciary changes that are needed in the probate code (IC 29-1), the trust code (IC 30-4), and other statutes affecting guardianships, probate jurisdiction, trusts, or fiduciaries.

~~(b)~~ **(c)** The expenses of a subcommittee, including per diem, mileage, and travel allowances payable under IC 2-5-1.2-11, shall be paid from money authorized by the legislative council for operation of the study committee. The amount authorized by the legislative council for expenditures of a study committee may not be increased to pay for the operation of a subcommittee.

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

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 31 as printed January 12, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 40, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 40 as reprinted January 29, 2016.)

Committee Vote: Yeas 11, Nays 2.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 41, 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, between lines 27 and 28, begin a new paragraph and insert:

"**(g) As used in this section, "urgent care situation" means a covered individual's injury or condition about which the following apply:**

(1) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could seriously jeopardize the covered individual's:

(A) life or health; or

(B) ability to regain maximum function;

based on a prudent layperson's judgment.

(2) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could subject the covered individual to severe pain that cannot be adequately managed, based on the covered individual's treating health care provider's judgment.".

Page 2, line 28, delete "(g)" and insert "**(h)**".

Page 2, line 39, delete "the case of an emergency, twenty-four (24) hours" and insert "**an urgent care situation, one (1) business day**".

Page 2, line 41, delete "the case of a nonemergency, seventy-two (72) hours" and insert "**a nonurgent care situation, three (3) business days**".

Page 3, line 2, delete ", as determined by the covered individual's" and insert "**:**".

Page 3, delete line 3.

Page 3, delete lines 8 through 10, begin a new line double block indented and insert:

"**ineffective, based on both of the following:**

(i) The known clinical characteristics of the covered individual.

(ii) Sound clinical evidence of the known characteristics of the prescription drug regimen.".

Page 3, line 19, delete "medical necessity," and insert "**clinical appropriateness,**".

Page 3, line 20, delete "." and insert "**because the covered individual's use of the preceding prescription drug is expected to:**

(i) cause a significant barrier to the covered individual's adherence to or compliance with the covered individual's plan of care;

(ii) worsen a comorbid condition of the covered

individual; or

(iii) decrease the covered individual's ability to achieve or maintain reasonable functional ability in performing daily activities.".

Page 3, delete lines 21 through 24.

Page 3, delete lines 30 through 41, begin a new line block indented and insert:

"**(5) That if:**

(A) a protocol exception request; or

(B) an appeal of a denied protocol exception request;

results in a denial of the protocol exception, the state employee health plan shall provide to the covered individual and the treating health care provider notice of the denial, including a detailed, written explanation of the reason for the denial and the clinical rationale that supports the denial.

(6) That the state employee health plan may request a copy of relevant documentation from the covered individual's medical record in support of a protocol exception.

SECTION 2. IC 5-10-8-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) The definitions in section 17 of this chapter apply throughout this section.**

(b) This section applies to a state employee health plan that uses a formulary, cost sharing, or utilization review for prescription drug coverage.

(c) A state employee health plan shall not remove a prescription drug from the state employee health plan's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review requirements that apply to a prescription drug unless the state employee health plan does at least one (1) of the following:

(1) At least sixty (60) days before the removal or change is effective, send written notice of the removal or change to each covered individual for whom the prescription drug has been prescribed during the preceding twelve (12) month period.

(2) At the time a covered individual for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the covered individual:

(A) written notice of the removal or change; and

(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.".

Page 4, after line 42, begin a new paragraph and insert:

"**(h) As used in this section, "urgent care situation" means an insured's injury or condition about which the following apply:**

(1) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could seriously jeopardize the insured's:

(A) life or health; or

(B) ability to regain maximum function;

based on a prudent layperson's judgment.

(2) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could subject the insured to severe pain that cannot be adequately managed, based on the insured's treating health care provider's judgment.".

Page 5, line 1, delete "(h)" and insert "**(i)**".

Page 5, line 10, delete "the case of an emergency, twenty-four (24) hours" and insert "**an urgent care situation, one (1) business day**".

Page 5, line 12, delete "the case of a nonemergency, seventy-two (72) hours" and insert "**a nonurgent care situation, three (3) business days**".

Page 5, line 15, delete ", as determined by the insured's treating" and insert "**:**".

Page 5, delete line 16.

Page 5, delete lines 21 through 23, begin a new line double block indented and insert:

"**ineffective, based on both of the following:**

(i) The known clinical characteristics of the insured.

(ii) Sound clinical evidence of the known characteristics of the prescription drug regimen.".

Page 5, line 32, delete "medical necessity," and insert "**clinical appropriateness,**".

Page 5, line 33, delete "." and insert "**because the insured's use of the preceding prescription drug is expected to:**

(i) cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care;

(ii) worsen a comorbid condition of the insured; or

(iii) decrease the insured's ability to achieve or maintain reasonable functional ability in performing daily activities.".

Page 5, delete lines 34 through 37.

Page 5, delete line 42, begin a new line block indented and insert:

"**(5) That if:**

(A) a protocol exception request; or

(B) an appeal of a denied protocol exception request;

results in a denial of the protocol exception, the insurer shall provide to the insured and the treating health care provider notice of the denial, including a detailed, written explanation of the reason for the denial and the clinical rationale that supports the denial.

(6) That the insurer may request a copy of relevant documentation from the insured's medical record in support of a protocol exception.".

Page 6, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 4. IC 27-8-5-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 31. (a) The definitions in section 30 of this chapter apply throughout this section.**

(b) This section applies to an insurer that uses a formulary, cost sharing, or utilization review for prescription drug coverage.

(c) An insurer shall not remove a prescription drug from the insurer's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review requirements that apply to a prescription drug unless the insurer does at least one (1) of the following:

(1) At least sixty (60) days before the removal or change is effective, send written notice of the removal or change to each insured for whom the prescription drug has been prescribed during the preceding twelve (12) month period.

(2) At the time an insured for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the insured:

(A) written notice of the removal or change; and

(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.".

Page 7, between lines 14 and 15, begin a new paragraph and insert:

"**(h) As used in this section, "urgent care situation" means an enrollee's injury or condition about which the following apply:**

(1) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could seriously jeopardize the enrollee's:

(A) life or health; or

(B) ability to regain maximum function;

based on a prudent layperson's judgment.

(2) If medical care or treatment is not provided earlier than the time frame generally considered by the medical profession to be reasonable for a nonurgent situation, the injury or condition could subject the enrollee to severe pain that cannot be adequately managed, based on the enrollee's treating health care provider's judgment.".

Page 7, line 15, delete "(h)" and insert "**(i)**".

Page 7, line 26, delete "the case of an emergency, twenty-four (24) hours" and insert "**an urgent care situation, one (1) business day**".

Page 7, line 28, delete "the case of a nonemergency, seventy-two (72) hours" and insert "**a nonurgent care situation, three (3) business days**".

Page 7, line 31, delete ", as determined by the enrollee's treating" and insert "**:**".

Page 7, delete line 32.

Page 7, delete lines 37 through 39, begin a new line double block indented and insert:

"**ineffective, based on both of the following:**

(i) The known clinical characteristics of the enrollee.

(ii) Sound clinical evidence of the known characteristics of the prescription drug regimen.".

Page 8, line 6, delete "medical necessity," and insert "**clinical appropriateness,**".

Page 8, line 7, delete "." and insert "**because the enrollee's use of the preceding prescription drug is expected to:**

(i) cause a significant barrier to the enrollee's adherence to or compliance with the enrollee's plan of care;

(ii) worsen a comorbid condition of the enrollee; or

(iii) decrease the enrollee's ability to achieve or maintain reasonable functional ability in performing daily activities.".

Page 8, delete lines 8 through 11.

Page 8, delete lines 17 through 28, begin a new line block indented and insert:

"**(5) That if:**

(A) a protocol exception request; or

(B) an appeal of a denied protocol exception request;

results in a denial of the protocol exception, the health maintenance organization shall provide to the enrollee and the treating health care provider notice of the denial, including a detailed, written explanation of the reason for the denial and the clinical rationale that supports the denial.

(6) That the insurer may request a copy of relevant documentation from the insured's medical record in support of a protocol exception.

SECTION 6. IC 27-13-38-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) The definitions in IC 27-13-7-23 apply throughout this section.**

(b) A health maintenance organization shall not remove a prescription drug from the health maintenance organization's formulary, change the cost sharing requirements that apply to a prescription drug, or change the utilization review program requirements that apply to a prescription drug unless that health maintenance organization does at least one (1) of the following:

(1) At least sixty (60) days before the removal or change is effective, send written notice of the removal or change to each enrollee for whom the prescription drug has been prescribed during the preceding twelve (12) month period.

(2) At the time an enrollee for whom the prescription drug has been prescribed during the preceding twelve (12) month period requests a refill of the prescription drug, provide to the enrollee:

(A) written notice of the removal or change; and

(B) a sixty (60) day supply of the prescription drug under the terms that applied before the removal or change.".

Renumber all SECTIONS consecutively.

(Reference is to SB 41 as reprinted January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 61, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 3-10-1-19, AS AMENDED BY P.L.77-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the ~~following~~ form **described in this section** for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party **(insert the name of the political party)".**

(c) The following shall be printed immediately below the heading required by subsection (b) or be posted in each voting booth as provided in IC 3-11-2-8(b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

~~Vote for one (1) only~~

~~Representative in Congress~~

~~(1) AB~~ _____

~~(2) CD~~ _____

~~(3) EF~~ _____

~~(4) GH~~ _____

~~(b)~~ **(d)** Local public questions shall be placed on the primary election ballot after the **heading and the** voting instructions described in subsection ~~(a)~~ **(c) (if the instructions are printed on the ballot)** and before the offices described in subsection ~~(c).~~ **(g).**

~~(c)~~ **(e)** The local public questions described in subsection ~~(b)~~ **(d)** shall be placed **as follows:**

(1) In a separate column on the ballot if voting is by paper ballot.

(2) After the **heading and the** voting instructions described in subsection ~~(a)~~ **(c) (if the instructions are printed on the ballot)** and before the offices described in subsection ~~(c),~~ **(g),** in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) As provided by either of the following if voting is by an electronic voting system:

(A) On a separate screen for a public question.

(B) After the **heading and the** voting instructions described in subsection ~~(a)~~ **(c) (if the instructions are printed on the ballot)** and before the offices described in subsection ~~(c),~~ **(g),** in the form specified in IC 3-11-14-3.5.

~~(d)~~ **(f)** A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question, if required by law.)

"Shall (insert public question)?"

[] YES

[] NO

~~(e)~~ **(g)** The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:
(A) President of the United States.
(B) United States Senator.
(C) Governor.
(D) United States Representative.

(2) Legislative offices:
(A) State senator.
(B) State representative.

(3) Circuit offices and county judicial offices:
(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
(C) Judge of the probate court.
(D) Prosecuting attorney.
(E) Circuit court clerk.

(4) County offices:
(A) County auditor.
(B) County recorder.
(C) County treasurer.
(D) County sheriff.
(E) County coroner.
(F) County surveyor.
(G) County assessor.
(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
(J) County council member.

(5) Township offices:
(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
(B) Township trustee.
(C) Township board member.
(D) Judge of the small claims court.
(E) Constable of the small claims court.

(6) City offices:
(A) Mayor.
(B) Clerk or clerk-treasurer.
(C) Judge of the city court.
(D) City-county council member or common council member.

(7) Town offices:
(A) Clerk-treasurer.
(B) Judge of the town court.
(C) Town council member.

~~(f)~~ **(h)** The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection ~~(c).~~ **(g):**

(1) Precinct committeeman.
(2) State convention delegate.

~~(g)~~ **(i)** The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection ~~(f).~~ **(h).**

~~(h)~~ **(j)** The offices described in subsection ~~(g)~~ **(i)** shall be placed **as follows:**

(1) In a separate column on the ballot if voting is by paper ballot;

(2) After the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-13-11 if voting is by ballot card. ~~or~~

(3) Either:
(A) on a separate screen for each office or public question; or
(B) after the offices described in subsection ~~(f)~~ **(h)** in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 2. IC 3-10-1-19.5, AS AMENDED BY P.L.190-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19.5. Notwithstanding section 19 of this chapter, the county election board may alter the prescribed ballot order to place the names of the candidates for the following offices before the names of the candidates for county judicial offices:

(1) Prosecuting attorney.
(2) Clerk of the circuit court.
(3) The county offices listed in section ~~19(c)(4)~~ **19(g)(4)** of this chapter.

SECTION 3. IC 3-11-2-8, AS AMENDED BY P.L.221-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as provided in subsection (b),** all written or printed instructions must be at the top of the ballot immediately below the statement required by section 7 of this chapter. No other instructions or writing may appear at any other place on the ballot, including the ballot for federal and state offices, except as specified by this title.

(b) At the discretion of the county election board, general instructions to the voters required by this title to be placed at the front of the ballot may be posted in writing in each voting booth instead of printing the instructions on the ballot.

(c) The instructions must be in English and any other language that the board considers necessary, clear, concise, and written so that a voter will not be confused about the effect of the voter's voting mark and vote.".

Page 1, line 6, delete ":" and insert ", **if instructions are printed on the ballot:**".

Page 1, line 16, delete "." and insert ", **if instructions are printed on the ballot.**".

Page 2, line 15, delete "If" and insert "**Except as permitted under section 8(b) of this chapter,** if".

Page 2, line 23, delete "The" and insert "**Except as permitted under section 8(b) of this chapter,** the".

Page 10, line 34, delete """ and insert "**To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote**

will not count as a vote for any candidate for this office."".

Page 15, line 24, delete """ and insert "**To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office."**".

Renumber all SECTIONS consecutively.

(Reference is to SB 61 as reprinted January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 87, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 87 as reprinted January 20, 2016.)

Committee Vote: Yeas 21, Nays 1.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 142, 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 9-30-5-5, AS AMENDED BY P.L.158-2013, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who causes the death of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath;

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood; or

(3) while intoxicated;

commits a Level 5 felony. However, the offense is a Level 4 felony if the person has a previous conviction of operating while intoxicated within the ~~five~~ ~~(5)~~ **ten (10)** years preceding the commission of the offense, or if the person operated the vehicle when the person knew that the person's driver's license, driving privilege, or permit is suspended or revoked for a previous conviction for operating a vehicle while intoxicated.

(b) A person at least twenty-one (21) years of age who causes the death of another person when operating a vehicle:

(1) with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Level 4 felony.

(c) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood;

commits a Level 6 felony.

(d) A person who violates subsection (a), (b), or (c) commits a separate offense for each person or law enforcement animal whose death is caused by the violation of subsection (a), (b), or (c).

(e) It is a defense under subsection (a)(2), (b)(2), or (c)(2) that the accused person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.".

Renumber all SECTIONS consecutively.

(Reference is to SB 142 as printed January 7, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 160, 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 22, after "for" insert "**adjudication and**".

Page 2, line 24, after "for" insert "**adjudication and**".

Page 2, after line 33, begin a new paragraph and insert:

"SECTION 2. IC 31-37-5-5, AS AMENDED BY P.L.158-2013, SECTION 328, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) If the child was not taken into custody under an order of the court, an intake officer shall investigate the reasons for the child's detention. The intake officer ~~shall~~ **may** release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified **and may impose additional conditions upon the child, including:**

(1) home detention;

(2) electronic monitoring;

(3) a curfew restriction;

(4) a directive to avoid contact with specified individuals until the child's return to the juvenile court at a specified time;

(5) a directive to comply with Indiana law; or

(6) any other reasonable conditions on the child's actions or behavior.

(b) If the intake officer imposes additional conditions upon the child under subsection (a), the court shall hold a detention hearing under IC 31-37-6 within forty-eight (48) hours of the imposition of the additional conditions, excluding Saturdays, Sundays, and legal holidays.

(c) ~~However,~~ The intake officer may place the child in detention if the intake officer reasonably believes that the child is a delinquent child and that:

(1) the child is unlikely to appear before the juvenile court for subsequent proceedings;

(2) the child has committed an act that would be murder or a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony if committed by an adult;

(3) detention is essential to protect the child or the community;

(4) the parent, guardian, or custodian:

(A) cannot be located; or

(B) is unable or unwilling to take custody of the child; or

(5) the child has a reasonable basis for requesting that the child not be released.

~~(b)~~ **(d)** If a child is detained for a reason specified in subsection ~~(a)(4)~~ **(c)(4)** or ~~(a)(5),~~ **(c)(5),** the child shall be detained under IC 31-37-7-1.".

(Reference is to SB 160 as reprinted February 2, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 162, 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 16-18-2-162, AS AMENDED BY P.L.212-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 162. (a) **"Health care professional", for purposes of IC 16-21-13, has the meaning set forth in IC 16-21-13-1.**

(b) "Health care professional", for purposes of IC 16-27-1 and IC 16-27-4, has the meaning set forth in IC 16-27-1-1.

~~(b)~~ **(c)** "Health care professional", for purposes of IC 16-27-2, has the meaning set forth in IC 16-27-2-1.".

Page 1, line 11, delete "1. (a)" and insert "**0.5.**".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"**Sec. 1. (a) As used in this chapter, "health care professional" means any individual who provides services for a hospital, including the following:**

(1) Physicians.

(2) Volunteers.

(3) Residents.

(4) Temporary workers.

(5) Students.

(6) Vendors.".

Page 2, between lines 16 and 17, begin a new line block indented and insert:

"**(5) Other immunizations, as determined by the hospital.**".

Page 2, line 18, after "administered to" insert "**a health care professional or**".

Page 2, line 26, after "the" insert "**health care professionals and**".

Page 3, line 15, after "an" insert "**influenza**".

Renumber all SECTIONS consecutively.

(Reference is to SB 162 as printed January 29, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 169 as printed January 29, 2016.)

Committee Vote: Yeas 12, Nays 1.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 172 as reprinted January 26, 2016.)

Committee Vote: Yeas 13, Nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 174, 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 5, delete "defraud;" and insert "**deceive;**".

(Reference is to SB 174 as printed January 14, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 177, 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 29 and 30, begin a new paragraph and insert:

"SECTION 4. IC 7.1-3-20-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 27. (a) This section applies to the premises of a restaurant.**

(b) Subject to subsection (c), the holder of a retailer permit that is issued for the premises of a restaurant may sell or dispense, for on premise consumption only, alcoholic beverages, for which the permittee holds the appropriate permit, from a service window located on the licensed premises that opens to an outside patio or terrace that is contiguous to the main building of the licensed premises of the restaurant.

(c) The holder of a retailer permit that is issued for the premises of a restaurant may sell or dispense alcoholic beverages as provided under subsection (b) only if all the following conditions are met:

(1) The patio or terrace area described in subsection (b) is:

(A) part of the licensed premises; and

(B) clearly delineated and completely enclosed on all sides by a barrier that is at least eighteen (18) inches in height.

(2) Access to the service window is limited by a barrier that reasonably deters free access by minors to the window.

(3) A conspicuous sign is posted by the barrier described in subdivision (2) that states that minors are not allowed to cross the barrier to enter the area near the service window.".

Page 5, between lines 35 and 36, begin a new line block indented and insert:

"**(6) The refilling of a bottle or container with a product from a farm winery in an establishment in which alcoholic beverages are sold that is owned, in whole or in part, by a farm winery with the appropriate permit issued under this title.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 177 as printed January 29, 2016.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 183, 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 35-43-2-2, AS AMENDED BY P.L.21-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) As used in this section, "authorized person" means a person authorized by an agricultural operation to act on behalf of the agricultural operation.

(b) A person who:

(1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;

(2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;

(3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;

(4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;

(5) not having a contractual interest in the property, knowingly or intentionally enters the:

(A) property of an agricultural operation that is used for the production, processing, propagation, packaging, cultivation, harvesting, care, management, or storage of an animal, plant, or other agricultural product, including any pasturage or land used for timber management, without the consent of the owner of the agricultural operation or an authorized person; or

(B) dwelling of another person without the person's consent;

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

(7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:

(A) vacant **real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6);** or

(B) designated by a municipality or county enforcement authority to be abandoned property or an abandoned structure (as defined in IC 36-7-36-1);

(8) not having a contractual interest in the property, knowingly or intentionally enters the real property of an agricultural operation (as defined in IC 32-30-6-1) without the permission of the owner of the agricultural operation or an authorized person, and knowingly or intentionally engages in conduct that causes property damage to:

(A) the owner of or a person having a contractual interest in the agricultural operation;

(B) the operator of the agricultural operation; or

(C) a person having personal property located on the property of the agricultural operation; or

(9) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits criminal trespass, a Class A misdemeanor. However, the offense is a Level 6 felony if it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property. The offense is a Level 6 felony, for purposes of subdivision (8), if the property damage is more than seven hundred fifty dollars ($750) and less than fifty thousand dollars ($50,000). The offense is a Level 5 felony, for purposes of subdivision (8), if the property damage is at least fifty thousand dollars ($50,000).

(c) A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of:

(1) personal communication, oral or written;

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public; or

(3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

(d) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (b)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(e) A person described in subsection (b)(7) violates subsection (b)(7) unless the person has the written permission of the owner, **the** owner's agent, **an** enforcement authority, or **a** court to come onto the property for purposes of performing maintenance, repair, or demolition.

(f) A person described in subsection (b)(9) violates subsection (b)(9) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(g) Subsections (b), (c), and (f) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad

carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.".

Page 1, line 3, delete "residential".

Page 1, line 7, delete "the residential".

Page 1, line 11, delete "residential".

Page 1, line 13, delete "residential".

Page 1, line 14, delete "residential".

Page 1, line 16, delete "residential".

Page 1, run in line 17 through page 2, line 1.

Page 2, line 1, delete "residential".

Page 2, line 2, delete "residential".

Page 2, line 3, delete "residential".

Page 2, line 5, delete "residential".

Page 2, line 7, delete "residential".

Page 2, delete lines 8 through 9.

Page 2, line 10, delete "(3) "Residential real" and insert "**(2) "Real**".

Page 2, line 11, delete "residential".

Page 2, line 25, delete "residential".

Renumber all SECTIONS consecutively.

(Reference is to SB 183 as printed January 14, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 214, 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, delete lines 8 through 42, begin a new paragraph and insert:

"**Sec. 1. (a)This section applies to an office based opioid treatment provider who:**

(1) has obtained a waiver from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) and meets the qualifying standards required to treat opioid addicted patients in an office based setting; and

(2) has a valid federal Drug Enforcement Administration registration number and identification number that specifically authorizes treatment in an office based setting.

(b) The office of the secretary and the division shall develop a treatment protocol containing best practice guidelines for the treatment of opiate dependent patients. The treatment protocol must require the minimal clinically necessary medication dose that includes, when appropriate, the goal of opioid abstinence, and the following:

(1) Require an opioid treatment provider to periodically and randomly test a patient for the following before and during the patient's treatment by the provider:

(A) Methadone.

(B) Cocaine.

(C) Opiates.

(D) Amphetamines.

(E) Barbiturates.

(F) Tetrahydrocannabinol.

(G) Benzodiazepines.

(H) Any other suspected or known drug that may have been abused by the patient.

(2) Require that if a patient tests positive under a test described in subdivision (1) for:

(A) a controlled substance other than a drug for which the patient has a prescription or that is part of the patient's treatment plan with the provider; or

(B) an illegal drug other than the drug that is part of the patient's treatment plan with the provider;

the opioid treatment provider and the patient shall review the treatment plan and consider changes with the goal of opioid abstinence.

(3) Require that an opioid treatment provider must determine that the benefit to the patient in receiving the take home opioid treatment medication outweighs the potential risk of diversion of the take home opioid treatment medication.

(4) Develop clinical standards for:

(A) the appropriate tapering of a patient on and off an opioid treatment medication;

(B) relapse; and

(C) overdose prevention.

(5) Develop standards and protocols for an opioid treatment provider to do the following:

(A) Assess new opioid treatment patients to determine the most effective opioid treatment medications to start the patient's opioid treatment.

(B) Ensure that each patient voluntarily chooses maintenance treatment and that relevant facts concerning the use of opioid treatment medications, including nonaddictive medication options, are clearly and adequately explained to the patient.

(C) Have appropriate opioid treatment patients who are receiving maintenance medications for opioid treatment move to receiving other approved opioid treatment medications.

(c) Before December 31, 2016, the office of the secretary shall recommend the best practice guidelines required under subsection (b) to:

(1) the Indiana professional licensing agency established under IC 25-1-5;

(2) the office; and

(3) a managed care organization that has contracted with the office.".

Delete page 4.

(Reference is to SB 214 as printed January 22, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 248, 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 19 through 24.

Page 2, delete lines 30 through 42, begin a new paragraph and insert:

"**(f) If judgment has been imposed for committing two (2) infractions under this section within one (1) year, an additional penalty of the suspension of the driving privileges of the person who committed the infractions may be imposed by the court imposing the sentence for the second violation. If the court suspends a person's driving privileges**

under this subsection, the court shall issue an order to the bureau:

(1) stating that judgment against the person has been entered for committing the infraction of exceeding a worksite speed limit under this section for the second time in one (1) year; and

(2) ordering the suspension of the person's driving privileges by the bureau under IC 9-30-13-9.

The suspension of a person's driving privileges under this section is in addition to any other penalties imposed under this section and any fee imposed under IC 33-37-5-14.".

Page 3, delete lines 1 through 35.

Page 3, line 38, delete "a recommendation" and insert "**an order**".

Page 3, line 39, delete "IC 9-21-5-11(d)(4) or IC 9-21-8-56(j)," and insert "**IC 9-21-5-11(f) concerning a person who has committed the infraction of violating a worksite speed limit for the second time within one (1) year,**".

Page 3, line 42, delete "recommendation," and insert "**order,**".

Page 4, line 2, delete "recommendation from the court." and insert "**order.**".

Page 4, delete lines 3 through 20, begin a new line single block indented and insert:

"**(2) Mail to the last known address of the person who is the subject of the order a notice:**

(A) stating that the person's driving privileges are being suspended for a second or subsequent offense of exceeding a worksite speed limit within one (1) year;

(B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and

(C) stating that the person may be granted specialized driving privileges under IC 9-30-16 if the person meets the conditions for obtaining specialized driving privileges.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 9-21-5-11(f):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2); and

(2) terminates sixty (60) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by specialized driving privileges granted to the person under IC 9-30-16.

(d) The bureau shall, upon receiving a record of conviction of a person upon a charge of driving a motor vehicle while the driving privileges, permit, or license of the person is suspended, fix the period of suspension in accordance with the order of the court.

SECTION 3. IC 9-30-16-1, AS AMENDED BY P.L.188-2015, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), the following are ineligible for a specialized driving permit under this chapter:

(1) A person who has never been an Indiana resident.

(2) A person seeking specialized driving privileges with respect to a suspension based on the person's refusal to submit to a chemical test offered under IC 9-30-6 or IC 9-30-7.

(b) This chapter applies to the following:

(1) A person who held an operator's, a commercial driver's, a public passenger chauffeur's, or a chauffeur's license at the time of:

(A) the criminal conviction for which the operation of a motor vehicle is an element of the offense; ~~or at the time of~~

(B) any criminal conviction for an offense under IC 9-30-5; **or**

(C) committing the infraction of exceeding a worksite speed limit for the second time in one (1) year under IC 9-21-5-11(f).

(2) A person who:

(A) has never held a valid Indiana driver's license or does not currently hold a valid Indiana learner's permit; and

(B) was an Indiana resident when the driving privileges for which the person is seeking specialized driving privileges were suspended.

(c) Except as specifically provided in this chapter, for any criminal conviction in which the operation of a motor vehicle is an element of the offense, or any criminal conviction for an offense under IC 9-30-5, a court may suspend the person's driving privileges for a period up to the maximum allowable period of incarceration under the penalty for the offense.

(d) **Except as provided in section 3.5 of this chapter,** a suspension of driving privileges under this chapter may begin before the conviction. Multiple suspensions of driving privileges ordered by a court that are part of the same episode of criminal conduct shall be served concurrently. A court may grant credit time for any suspension that began before the conviction, except as prohibited by section 6(a)(2) of this chapter.

(e) If a person has had an ignition interlock device installed as a condition of specialized driving privileges or under IC 9-30-6-8(d), the period of the installation shall be credited as part of the suspension of driving privileges.

(f) This subsection applies to a person described in subsection (b)(2). A court shall, as a condition of granting specialized driving privileges to the person, require the person to apply for and obtain an Indiana driver's license.

SECTION 4. IC 9-30-16-3, AS AMENDED BY P.L.188-2015, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **This section does not apply to specialized driving privileges granted in accordance with section 3.5 of this chapter.** If a court orders a suspension of driving privileges under this chapter, or imposes a suspension of driving privileges under IC 9-30-6-9(c), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.

(b) Regardless of the underlying offense, specialized driving privileges granted under this section shall be granted for at least one hundred eighty (180) days.

(c) Specialized driving privileges must be determined by a court and may include, but are not limited to:

(1) requiring the use of certified ignition interlock devices; and

(2) restricting a person to being allowed to operate a motor vehicle:

(A) during certain hours of the day; or

(B) between specific locations and the person's residence.

(d) A stay of a suspension and specialized driving privileges may not be granted to a person who has previously been granted specialized driving privileges and the person has more than one (1) conviction under section 5 of this chapter.

(e) A person who has been granted specialized driving privileges shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the person;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued state identification card or driver's license.

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

(g) A person may independently file a petition for specialized driving privileges in the court from which the ordered suspension originated.

SECTION 5. IC 9-30-16-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) If a court imposes a suspension of driving privileges under IC 9-21-5-11(f), the court may stay the suspension and grant a specialized driving privilege as set forth in this section.**

(b) Specialized driving privileges granted under this section shall be granted for sixty (60) days, or the remainder of the sixty (60) period of suspension as set forth in IC 9-30-13-9(b)(2) if a petition for specialized driving privileges is filed as set forth in section 3(g) of this chapter.

(c) Specialized driving privileges granted under this section:

(1) must be determined by a court; and

(2) are limited to restricting the individual to being allowed to operate a motor vehicle between the place of employment of the individual and the individual's residence.

(d) An individual who has been granted specialized driving privileges under this section shall:

(1) maintain proof of future financial responsibility insurance during the period of specialized driving privileges;

(2) carry a copy of the order granting specialized driving privileges or have the order in the vehicle being operated by the individual;

(3) produce the copy of the order granting specialized driving privileges upon the request of a police officer; and

(4) carry a validly issued driver's license.

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

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

(1) be verified by the petitioner;

(2) state the petitioner's age, date of birth, and address;

(3) state the grounds for relief and the relief sought;

(4) be filed in a circuit or superior court; and

(5) be served on the bureau and the prosecuting attorney.

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

SECTION 6. IC 9-30-16-5, AS AMENDED BY P.L.188-2015, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, **3.5,** or 4 of this chapter commits a Class C misdemeanor.

(b) For a person convicted of an offense under subsection (a), the court may modify or revoke specialized driving privileges. The court may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension.".

Renumber all SECTIONS consecutively.

(Reference is to SB 248 as printed January 29, 2016.)

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 Environmental Affairs, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 33 and 34, begin a new line block indented and insert:

"**(5) Providing a source of money to pay for the expenses of the department incurred under section 7(b) of this chapter.**".

Page 7, line 34, after "Sec. 7." insert "**(a)**".

Page 7, between lines 35 and 36, begin a new paragraph and insert:

"**(b) Once every five (5) years, the department shall arrange for an independent actuarial study examining the future obligations and fiscal sustainability of the ELTF.**".

Page 13, line 36, after "pay" insert "**any eligible party**".

Page 13, line 38, delete "a claimant" and insert "**an eligible party**".

Page 13, line 38, delete "two (2) or more" and insert "**multiple**".

Page 13, line 39, delete "($10,000,000)," and insert "**($10,000,000) in a fiscal year,**".

Page 13, line 39, delete "claimant" and insert "**eligible party**".

Page 13, line 41, delete "Any additional ELTF claim submitted by a claimant".

Page 13, delete line 42.

Page 14, delete line 1.

Page 14, line 3, delete "4(c)" and insert "**4(b)**".

(Reference is to SB 255 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 256, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 256 as printed January 26, 2016.)

Committee Vote: Yeas 10, Nays 1.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 294, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 294 as printed January 29, 2016.)

Committee Vote: Yeas 13, Nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 295, 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 military and veterans and to make an appropriation.

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

"SECTION 1. IC 6-8.1-9-4, AS AMENDED BY P.L.288-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Every individual (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on the individual's annual state income tax return that either a specific amount or all of the refund to which the individual is entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which the individual is entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the individual is entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If an individual designates all of the refund to which the individual is entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the individual is entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(b) Every husband and wife (other than nonresidents) who file a joint income tax return and who are entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return that either a specific amount or all of the refund to which they are entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which a husband and wife are entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the husband and wife are entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If a husband and wife designate all of the refund to which the husband and wife are entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the husband and wife are entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(c) Designations under subsection (a) or (b) may be directed only to the following funds:

(1) The nongame fund.

(2) The state general fund for exclusive use in funding public education for kindergarten through grade 12.

(3) The military family relief fund.

(d) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

(1) The nongame and endangered species program. The description of this program shall be written in cooperation with the department of natural resources.

(2) The funding of public education for kindergarten through grade 12. The description of this purpose shall be written in cooperation with the state superintendent of public instruction.

(3) The funding for financial assistance to families of members on active duty in the armed forces of the United States and training for county and city veterans' service officers. The description of this purpose shall be written in cooperation with the Indiana department of veterans' affairs.

(e) The department shall interpret a designation on a return under subsection (a) or (b) that is illegible or otherwise not reasonably discernible to the department as if the designation had not been made.

SECTION 2. IC 10-17-1-4, AS AMENDED BY P.L.169-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter, including the following:

(1) Adopt rules under IC 4-22-2 to administer this chapter.

(2) Advise the veterans' state service officer in problems concerning the welfare of veterans.

(3) Determine general administrative policies within the department.

(4) Establish standards for certification of **district,** county, and city service officers.

(5) Establish and administer a written examination for renewal of the certification of **district,** county, and city service officers.

SECTION 3. IC 10-17-1-6, AS AMENDED BY P.L.136-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The director of veterans' affairs:

(1) is the executive and administrative head of the Indiana department of veterans' affairs; and

(2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

(1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.

(2) To appoint the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must qualify for the job concerned.

(3) To carry out the program for veterans' affairs as directed by the governor and the commission.

(4) To carry on field direction, inspection, and coordination of **district,** county, and city service officers as provided in this chapter.

(5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.

(6) To maintain an information bulletin service to **district,** county, and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work, including information necessary to inform veterans of the provisions of IC 22-9-10.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief fund.

(9) To establish a program and set guidelines under which a medal of honor awardee may receive compensation when attending and participating in official ceremonies.

(10) To establish six (6) geographic districts in Indiana to be staffed by a district service officer in each of the districts.

(11) To appoint a district service officer to each of the six (6) districts established under subdivision (10).

SECTION 4. IC 10-17-1-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) A district service officer shall do the following:**

(1) Serve in one (1) of the six (6) geographic districts established by the director of veterans' affairs under section 6(b)(10) of this chapter.

(2) Provide training and assistance to all city and county service officers located in the district service officer's district.

(3) Provide accreditation and reaccreditation opportunities for city and county service officers located in the district service officer's district.

(4) Perform community outreach services for veterans and veterans' families.

(5) Perform any other service considered necessary by the commission.

(b) A district service officer must live in the district served by the officer.

(c) District service officers shall report to the director of veterans' affairs.

SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.169-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Within thirty (30) days of their appointment, new **district,** county, or city service officers must attend a new service officer orientation presented by the Indiana department of veterans' affairs and, according to the standards established under section 4(4) of this chapter, become certified to assist veterans and their dependents and survivors. The curriculum for the new service officer orientation presented under this subsection shall be determined by the director.

(b) Within one (1) year of appointment, new service officers must attend a course presented by a national organization and become accredited to represent veterans.

(c) An individual employed as a **district,** county, or city service officer under this chapter on July 1, 2013, is required to become accredited not later than July 1, ~~2015,~~ **2016,** to represent veterans.

(d) Annually, all **district,** county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's **district,** county, or city, including a thorough familiarization with laws, rules, and regulations of the federal government and the state that affect benefits to which the veterans and dependents of the veterans are entitled. After a service officer has undergone this sustainment training and successfully passed a written test, the service officer shall be recertified by the director to assist veterans for the following year.

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

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

(2) funding for:

(A) grants for reimbursement for training; and

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

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

Page 2, line 34, reset in roman "The fund may also be used to provide for".

Page 2, reset in roman lines 35 through 36.

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"**(h) Any grants for assistance provided under subsection (a) must be paid to vendors on behalf of the qualified service members or dependents of the qualified service members.**".

Page 3, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 10. IC 10-17-12-10, AS AMENDED BY P.L.113-2010, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. **(a)** The commission ~~may~~ **shall** adopt rules under IC 4-22-2 for the provision of grants under this chapter. **Subject to subsection (b),** the rules adopted under this section must address the following:

(1) Uniform need determination procedures.

(2) Eligibility criteria, **including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.**

(3) Application procedures.

(4) Selection procedures.

(5) ~~Coordination with~~ **A consideration of the extent to which an individual has used assistance available from** other assistance programs **before assistance may be provided to the individual from the fund.**

(6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

(b) The following apply to grants awarded under this chapter:

(1) An applicant is not eligible for a grant from the fund if:

(A) the qualified service member with respect to whom the application is based has been discharged; and

(B) the qualified service member's term of qualifying military service was less than twelve (12) months.

(2) The qualified service member with respect to whom the application is based must have a dependent.

(3) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.

SECTION 11. IC 10-17-12-13, AS ADDED BY P.L.169-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The commission shall transfer ~~one hundred eighty thousand dollars ($180,000)~~ from the veterans' affairs trust fund established by IC 10-17-13-3 to the fund:

(1) one hundred eighty thousand dollars ($180,000) during the state fiscal year beginning July 1, 2015; and

(2) one hundred eighty thousand dollars ($180,000) during the state fiscal year beginning July 1, 2016.

(b) There is appropriated to the commission **from the fund** one hundred eighty thousand dollars ($180,000) ~~from the fund~~ **in the state fiscal year beginning July 1, 2015, and one hundred eighty thousand dollars ($180,000) in the state fiscal year beginning July 1, 2016,** for:

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

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

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

for the reimbursement grants. A county or city veterans' service officer may apply to the commission for a reimbursement grant, and the commission may make a grant based on the commission's review of an application.

(d) A county or city that employs a veterans' service officer may receive a grant, in an amount not to exceed one thousand two hundred dollars ($1,200), for reimbursement for computer equipment and software to enable the veterans' service officer to access national data bases for benefits for veterans. The commission shall set standards for the review of grants for the purchase of computer equipment and software under this subsection. A county or city may apply to the commission for a grant for reimbursement for the purchase of computer equipment and software, and the commission may make a grant based on the commission's review of an application.".

Page 4, delete lines 1 through 19.

Page 4, delete lines 33 through 41, begin a new paragraph and insert:

"SECTION 13. IC 10-17-13-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) Each year after July 1 and before August 1, the commission shall determine:**

(1) the amount of money in the fund on July 1; and

(2) the amount of the expenditures from the military family relief fund during the immediately preceding state fiscal year.

(b) After making the determinations under subsection (a), if the amount determined under subsection (a)(1) exceeds three hundred percent (300%) of the amount determined under subsection (a)(2), the commission shall transfer from the fund to the military family relief fund an amount equal to:

(1) fifty percent (50%); multiplied by

(2) the difference of:

(A) the amount determined under subsection (a)(1); minus

(B) three hundred percent (300%) of the amount determined under subsection (a)(2).

SECTION 14. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 295 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 301, 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 4, line 38, after "programs" delete "." and insert "**under IC 21-41-5-3(b).**".

Page 5, delete lines 5 through 20, begin a new paragraph and insert:

"SECTION 6. IC 21-38-3-6, AS ADDED BY P.L.2-2007, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. **(a)** The board of trustees of Ivy Tech Community College shall select and employ a president of the state educational institution, with qualifications set out, and other staff and professional employees as are required.

(b) This subsection expires July 1, 2020. The president shall select and employ two (2) vice presidents, one (1) for each of the following, subject to confirmation by the board of trustees:

(1) One (1) whose focus is on programs and pathways designed to meet workforce and employer demand.

(2) One (1) whose focus is on academics and transferability of program and pathway credits.".

Page 6, line 8, delete ";" and insert "**, including programs designed for the direct entry of individuals into the workforce; and**".

Page 6, delete lines 9 through 10.

Page 6, line 11, delete "(3)" and insert "**(2)**".

Page 8, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 12. IC 21-41-5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. Before November 1, 2016, and each November 1 thereafter, Ivy Tech Community College shall provide the budget committee the following information for each of Ivy Tech Community College's owned or operated campus locations or sites that offer ongoing academic programs and services:**

(1) The number of students enrolled.

(2) The amount of square feet of each building.

(3) The operating or overhead costs associated with the campus location or site.".

Page 10, line 35, after "education," insert "**the department of education,**".

Page 11, delete lines 16 through 29, begin a new paragraph and insert:

"SECTION 16. IC 22-4.1-4-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) Not later than January 1, 2017, the department, in consultation with the commission for higher education, the department of state revenue, and the Ivy Tech Community College board of trustees, shall develop a procedure for measuring the following for credential or degree completers and separately for current or previously enrolled students of Ivy Tech Community College:**

(1) The percentage of credential or degree completers or students employed within one (1) year of graduation or separation.

(2) The median, minimum, and maximum starting salary of graduates or students within one (1) year of completion or separation.

(3) The median, minimum, and maximum starting salary of graduates or students within five (5) years of completion or separation.".

Page 11, line 38, delete "and the department of revenue".

Page 11, line 42, delete "and the department of revenue".

Page 12, line 7, delete "P.L.213-2015," and insert "THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY,".

Page 12, line 8, delete "SECTION 243,".

Renumber all SECTIONS consecutively.

(Reference is to SB 301 as reprinted January 22, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 304, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 35.

Page 3, line 12, reset in roman "ten".

Page 3, line 12, delete "twenty".

Page 3, line 12, reset in roman "(10%);".

Page 3, line 12, delete "(20%);".

Page 3, line 38, strike "tangible property" and insert "**Indiana real property, Indiana mobile home not assessed as real property, and Indiana manufactured home not assessed as real property,**".

Page 3, line 42, delete "date," and insert "**date and for each assessment date thereafter,**".

Page 4, line 2, delete "For the January 1, 2018, assessment".

Page 4, delete lines 3 through 9.

(Reference is to SB 304 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, reset in roman "parcel".

Page 2, line 12, after "parcel description" insert "**or**".

Page 4, delete lines 40 through 42.

Page 5, delete lines 1 through 22.

Page 6, line 14, reset in roman "Unless the county auditor and the county treasurer have entered".

Page 6, line 15, reset in roman "into an agreement under section 4.7 of this chapter,".

Page 6, line 15, delete "A" and insert "a".

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

"SECTION 10. IC 36-4-3-4, AS AMENDED BY P.L.207-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The legislative body of a municipality may, by ordinance, annex any of the following:

(1) Territory that is contiguous to the municipality.

(2) Territory that is not contiguous to the municipality and is occupied by a municipally owned or operated as either of the following:

(A) An airport or landing field.

(B) A wastewater treatment facility or water treatment facility. After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.

(3) Territory that is not contiguous to the municipality but is found by the legislative body to be occupied by:

(A) a municipally owned or regulated sanitary landfill, golf course, or hospital; or

(B) a police station of the municipality.

However, if territory annexed under subdivision (2) or (3) ceases to be used for the purpose for which the territory was annexed for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices required to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation. Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.

(b) This subsection applies to municipalities in a county having ~~a population~~ **any** of **the following populations:**

(1) More than seventy thousand fifty (70,050) but less than seventy-one thousand (71,000).

(2) More than seventy-five thousand (75,000) but less than seventy-seven thousand (77,000).

(3) More than seventy-one thousand (71,000) but less than seventy-five thousand (75,000).

(4) More than forty-seven thousand (47,000) but less than forty-seven thousand five hundred (47,500).

(5) More than thirty-eight thousand five hundred (38,500) but less than thirty-nine thousand (39,000).

(6) More than thirty-seven thousand (37,000) but less than thirty-seven thousand one hundred twenty-five (37,125).

(7) More than thirty-three thousand three hundred (33,300) but less than thirty-three thousand five hundred (33,500).

(8) More than twenty-three thousand three hundred (23,300) but less than twenty-four thousand (24,000).

(9) More than one hundred eighty-five thousand (185,000) but less than two hundred fifty thousand (250,000).

(10) More than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000). ~~or~~

(11) More than thirty-two thousand five hundred (32,500) but less than thirty-three thousand (33,000).

(12) More than seventy-seven thousand (77,000) but less than eighty thousand (80,000).

Except as provided in subsection (c), the legislative body of a municipality to which this subsection applies may, by ordinance, annex territory that is not contiguous to the municipality, has its entire area not more than two (2) miles from the municipality's boundary, is to be used for an industrial park containing one (1) or more businesses, and is either owned by the municipality or by a property owner who consents to the annexation. However, if territory annexed under this subsection is not used as an industrial park within five (5) years after the date of passage of the annexation ordinance, or if the territory ceases to be used as an industrial park for at least one (1) year, the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area; or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning

prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than twenty-nine thousand nine hundred (29,900) but less than thirty-one thousand (31,000). The city legislative body may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

(3) does not extend more than:

(A) one and one-half (1 1/2) miles to the west;

(B) three-fourths (3/4) mile to the east;

(C) one-half (1/2) mile to the north; or

(D) one-half (1/2) mile to the south;

of an interchange of an interstate highway (as designated by the federal highway authorities) and a state highway (as designated by the state highway authorities); and

(4) is owned by the city or by a property owner that consents to the annexation.".

Renumber all SECTIONS consecutively.

(Reference is to SB 310 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PRICE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 321, 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 29 through 42.

Delete page 3.

Page 4, delete lines 1 through 4.

Page 6, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-17-1, AS AMENDED BY P.L.137-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall ~~send~~ **submit** a certified statement ~~under the seal of the board of county commissioners,~~ **of the assessed value for the ensuing year** to ~~the fiscal officer of each political subdivision of the county and~~ the department of local government finance ~~The statement must contain:~~

~~(1) information concerning the assessed valuation in the political subdivision for the next calendar year;~~

~~(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;~~

~~(3) the current assessed valuation as shown on the abstract of charges;~~

~~(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, adjusted according to procedures established by the department of local government finance to account for reassessment under IC 6-1.1-4-4 or IC 6-1.1-4-4.2;~~

~~(5) the amount of the political subdivision's net assessed valuation reduction determined under section 0.5(d) of this chapter;~~

~~(6) for counties with taxing units that cross into or intersect with other counties, the assessed valuation as shown on the most current abstract of property; and~~

~~(7) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.~~ **in the manner prescribed by the department.**

~~(b) The estimate of taxes to be distributed shall be based on:~~

~~(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and~~

~~(2) any other information at the disposal of the county auditor which might affect the estimate.~~

~~(c)~~ **(b)** The ~~fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.~~ **department of local government finance shall make the certified statement available on the department's computer gateway.**

~~(d)~~ **(c)** Subject to subsection ~~(c),~~ **(d),** after the county auditor ~~sends~~ **submits** a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section ~~16(f)~~ **16(i)** of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall ~~send~~ **submit** a certified statement amended under this subsection ~~under the seal of the board of county commissioners,~~ to

~~(1) the fiscal officer of each political subdivision affected by the amendment; and~~

~~(2)~~ the department of local government finance **in the manner prescribed by the department.**

~~(e)~~ **(d)** Except as provided in subsection ~~(f),~~ **(e),** before the county auditor makes an amendment under subsection ~~(d),~~ **(c),** the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

~~(f)~~ **(e)** The county auditor is not required to hold a public hearing under subsection ~~(e)~~ **(d)** if:

(1) the amendment under subsection ~~(d)~~ **(c)** is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection ~~(d)~~ **(c)** is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection ~~(d)~~ **(c)** will not result in an increase in the tax rate or tax rates of the political subdivision.

(f) Beginning in 2018, each county auditor shall submit to the department of local government finance parcel level data of certified net assessed values as required by the department. A county auditor shall submit the parcel level data in the manner and format required by the department and according to a schedule determined by the department.".

Delete page 7.

Page 8, delete lines 1 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as reprinted January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 323, 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 3, after "the" insert "**following:**

(A) The".

Page 1, between lines 4 and 5, begin a new line double block indented and insert:

"**(B) Issues related to transfer pricing under the adjusted gross income tax law.**".

Page 1, line 9, delete "study" and insert "**studies**".

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

"**(E) A review of the issues related to transfer pricing under the adjusted gross income tax law.**".

Page 2, line 6, after "of" delete "the" and insert "**each**".

Page 2, line 8, delete "the" and insert "**each**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 4-33-2 and IC 4-33-23 apply throughout this SECTION.**

(b) The legislative council is urged to assign to an appropriate interim study committee a study of the following:

(1) The extent to which local governments rely on tax revenues received under IC 4-33-12 and IC 4-33-13, including revenues received under IC 4-33-13-5 as revenue sharing or supplemental distributions.

(2) The extent to which local governments rely on economic development payments received under development agreements.

(3) The extent to which the local governments receiving tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments share revenue with other local governments.

(4) The purposes for which local governments use tax revenues under IC 4-33-12 and IC 4-33-13 and economic development payments.

(5) The extent to which liability for the riverboat admissions tax affects the competitiveness of Indiana's riverboats within the regional gaming industry.

(6) The extent to which obligations under economic development agreements affect the competitiveness of Indiana's riverboats within the regional gaming industry.

(7) The extent to which the statutory wagering tax rates affect the competitiveness of Indiana's gaming facilities within Indiana and within the regional gaming industry.

(8) The extent to which providing supplemental distributions under IC 4-33-13 affects the ability of the general assembly to provide a flexible regulatory environment that allows the state to react to changing market conditions.

(9) Whether a taxpayer subject to the riverboat wagering tax (IC 4-33-13) or the slot machine wagering tax (IC 4-35-8) should be exempted from adding back wagering taxes deducted for federal income tax purposes under Section 63 of the Internal Revenue Code when determining the taxpayer's adjusted gross income for Indiana income tax purposes under IC 6-3-1-3.5.

(c) If an interim study committee is assigned the topics described in subsection (b), the interim study committee shall report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2016.

(d) This SECTION expires January 1, 2017.

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to the interim study committee on fiscal policy the following topics:**

(1) New requirements from the Centers for Medicare and Medicaid Services pertaining to home and community based settings.

(2) The effect of the requirements described in subdivision (1) on Indiana waiver services for individuals with disabilities, rate reimbursement, and rate methodology.

(3) The fiscal impact of the requirements described in subdivision (1).

(4) The impact of the change from daily rate billing to hourly billing for facility based habitation services on the services provided and the providers of the services.

(b) If the topic described in subsection (a) is assigned to the interim study committee on fiscal policy, the family and social services administration shall before October 1, 2016, provide to the interim study committee a written report on the following:

(1) The requirements described in subsection (a)(1).

(2) The effect of the requirements described in subsection (a)(1) on Indiana waiver services for individuals with disabilities.

(3) The fiscal impact of the requirements described in subsection (a)(1).

(4) The impact of the change from daily rate billing to hourly billing for facility based habitation services on the services provided and the providers of the services.

(5) The options identified by the family and social services administration for ensuring the viability of facility based habitation services.

(c) This SECTION expires December 31, 2016.".

Renumber all SECTIONS consecutively.

(Reference is to SB 323 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

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

Page 1, line 3, strike "(a)".

Page 1, line 3, delete "the state fiscal year".

Page 1, delete line 4.

Page 1, line 5, delete "of".

Page 1, line 5, strike "odd-numbered".

Page 1, line 5, delete "year thereafter," and insert "year,".

Page 1, line 9, delete "than July 31, 2016, and not later".

Page 1, line 9, strike "odd-numbered".

Page 1, line 10, delete "year thereafter." and insert "year.".

Page 1, strike lines 11 through 13.

Page 1, line 13, after "(a)" insert ":".

Page 1, delete lines 14 through 17, begin a new paragraph and insert:

"SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If

~~(1)~~ the total amount of state reserves calculated by the office of management and budget exceeds ~~twelve~~ **eleven** and five-tenths percent ~~(12.5%)~~ **(11.5%)** of the general revenue appropriations for the current state fiscal year, ~~and~~

~~(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);~~

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30 of each ~~odd-numbered~~ year.

SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.91-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** ~~If,~~ After completing the presentation to the state budget committee described in section 2 of this chapter, ~~the amount of the excess reserves is fifty million dollars ($50,000,000) or more,~~ the governor shall do the following:

~~(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.~~

~~(2) If the year is calendar year 2014 or thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.~~

(1) If the presentation concerns the excess reserves for the state fiscal year beginning July 1, 2015, direct the auditor of state to make the following transfers:

(A) To the local road and bridge matching grant fund established under IC 8-23-30, the lesser of the following:

(i) Thirty million dollars ($30,000,000).

(ii) The amount of the excess reserves for the state fiscal year beginning July 1, 2015.

(B) To the state highway fund created by IC 8-23-9-54, the amount, if any, of the excess reserves remaining after making the transfer described in clause (A).

(2) If the presentation concerns the excess reserves for a state fiscal year beginning after June 30, 2016, direct the auditor of state to transfer one hundred percent (100%) of the excess reserves to the state highway fund created by IC 8-23-9-54.

(b) Money transferred to the state highway fund under this section does not revert to the state general fund at the end of a state fiscal year.

SECTION 4. IC 4-10-22-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 4. The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:~~

~~(1) To qualify for a refund, a taxpayer:~~

~~(A) must have filed an Indiana resident individual adjusted gross income tax return for the taxpayer's taxable year ending in the calendar year immediately preceding the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves; and~~

~~(B) must have adjusted gross income tax liability for the taxpayer's taxable year ending in the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves.~~

~~(2) The amount of the refund is determined for each qualifying taxpayer as follows:~~

~~STEP ONE: Determine the total amount of excess state reserves that under section 3 of this chapter are available to provide automatic taxpayer refunds.~~

~~STEP TWO: Determine the total number of taxpayers that qualify for a refund under subdivision (1).~~

~~STEP THREE: Determine the result of:~~

~~(A) the STEP ONE result; divided by~~

~~(B) the STEP TWO result;~~

~~as rounded to the nearest dollar.~~

~~(3) The refund is a refundable credit that shall first be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. Any remaining unused credit shall be refunded to the taxpayer. The credit may not be carried forward.~~

~~(4) If an individual and the individual's spouse are both qualifying taxpayers for purposes of this section for a taxable year and file a joint Indiana resident individual adjusted gross income tax return for the taxable year:~~

~~(A) the individual and the individual's spouse are considered two (2) taxpayers for purposes of determining the amount of the refund under subdivision (2) for a qualifying taxpayer; and~~

~~(B) the amount of the refund that the individual and the individual's spouse are entitled to claim is equal to the amount of any refund determined under subdivision (2) for a qualifying taxpayer, multiplied by two (2).~~

SECTION 5. IC 4-10-22-5, AS ADDED BY P.L.229-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~There is~~ **Amounts transferred under section 3(a)(1)(B) and 3(a)(2) of this chapter are annually** appropriated ~~a sufficient amount in a state fiscal year to carry out this chapter.~~ **from the state highway fund to the Indiana department of transportation for the Indiana department of transportation's use for preserving and reconstructing existing state highways and bridges for which the Indiana department of transportation is responsible.**

SECTION 6. IC 6-2.5-10-1, AS AMENDED BY P.L.205-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) Of all the state gross retail and use taxes that the department collects, the department shall determine separately the parts that:

(1) the department collects under IC 6-2.5-3.5; and

(2) the department collects under this article, less the amount described in subdivision (1).

(c) The department shall deposit those collections described in subsection (b)(1) in the following manner:

(1) Twenty-eight and five hundred seventy-one thousandths percent (28.571%) of the collections shall be paid into the state general fund.

(2) Forty-two and eight hundred fifty-seven thousandths percent (42.857%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(3) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the state highway fund created by IC 8-23-9-54.

(4) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.

~~(b)~~ **(d)** The department shall deposit those collections **described in subsection (b)(2)** in the following manner:

(1) ~~Ninety-eight~~ **Ninety-nine** and eight hundred ~~forty-eight~~ **thirty-eight** thousandths percent ~~(98.848%)~~ **(99.838%)** of the collections shall be paid into the state general fund.

~~(2) One percent (1%) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.~~

~~(3) Twenty-nine thousandths of one percent (0.029%)~~ **(2) Thirty-one thousandths of one percent (0.031%)** of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

~~(4)~~ **(3)** One hundred ~~twenty-three~~ **thirty-one** thousandths of one percent ~~(0.123%)~~ **(0.131%)** of the collections shall

be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 7. IC 6-3-2-1, AS AMENDED BY P.L.80-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Each taxable year, a tax at the following rate of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

(1) For taxable years beginning before January 1, 2015, three and four-tenths percent (3.4%).

(2) For taxable years beginning after December 31, 2014, and before January 1, 2017, three and three-tenths percent (3.3%).

(3) For taxable years beginning ~~after December 31, 2016,~~ **in calendar year 2017 or 2018,** three and twenty-three hundredths percent (3.23%).

(4) For taxable years beginning in calendar year 2019 or 2020, three and nineteen hundredths percent (3.19%).

(5) For taxable years beginning in calendar year 2021 or 2022, three and fifteen hundredths percent (3.15%).

(6) For taxable years beginning in calendar year 2023 or 2024, three and one-tenth percent (3.1%).

(7) For taxable years beginning after calendar year 2024, three and six hundredths percent (3.06%).

(b) Except as provided in section 1.5 of this chapter, each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

(1) Before July 1, 2012, eight and five-tenths percent (8.5%).

(2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).

(3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).

(4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).

(5) After June 30, 2015, and before July 1, 2016, six and five-tenths percent (6.5%).

(6) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).

(7) After June 30, 2017, and before July 1, 2018, six percent (6.0%).

(8) After June 30, 2018, and before July 1, 2019, five and seventy-five hundredths percent (5.75%).

(9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).

(10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).

(11) After June 30, 2021, four and nine-tenths percent (4.9%).

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede the month the rate changed by the rate in effect before the rate change.

STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow the month before the rate changed by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%).

SECTION 8. IC 6-3.5-4-1, AS AMENDED BY P.L.205-2013, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a surtax first.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "County council" includes the city-county council of a county that contains a consolidated city of the first class.

(4) "Motor vehicle" means a vehicle which is subject to the annual license excise tax imposed under IC 6-6-5.

(5) "Net annual license excise tax" means the tax due under IC 6-6-5 after the application of the adjustments and credits provided by that chapter.

(6) "Surtax" means the annual license excise surtax imposed by an adopting entity under this chapter.

(7) "Transportation asset management plan" has the meaning set forth in IC 8-23-30-1.

SECTION 9. IC 6-3.5-4-2, AS AMENDED BY P.L.249-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection ~~(d),~~ **(f),** adopt an ordinance to impose an annual license excise surtax on each motor vehicle listed in subsection ~~(c)~~ **(e)** that is registered in the county.

(b) If a county does not use a transportation asset management plan approved by the Indiana department of transportation, the adopting entity **of the county** may impose the surtax either:

(1) at a rate of not less than two percent (2%) nor more than ten percent (10%); or

(2) at a specific amount of at least seven dollars and fifty cents ($7.50) and not more than twenty-five dollars ($25).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents ($7.50). The adopting entity shall state the surtax rate or amount in the ordinance which imposes the tax.

(c) If a county uses a transportation asset management plan approved by the Indiana department of transportation, the adopting entity of the county may impose the surtax either:

(1) at a rate of at least two percent (2%) and not more than twenty percent (20%); or

(2) at a specific amount of at least seven dollars and fifty cents ($7.50) and not more than fifty dollars ($50).

However, the surtax on a vehicle may not be less than seven dollars and fifty cents ($7.50). The adopting entity shall state the surtax rate or amount in the ordinance that imposes the tax.

~~(b)~~ **(d)** Subject to the limits and requirements of this section, the adopting entity may do any of the following:

(1) Impose the annual license excise surtax at the same rate or amount on each motor vehicle that is subject to the tax.

(2) Impose the annual license excise surtax on vehicles subject to the tax at one (1) or more different rates based on the class of vehicle listed in subsection ~~(c).~~ **(e).**

~~(c)~~ **(e)** The license excise surtax applies to the following vehicles:

(1) Passenger vehicles.

(2) Motorcycles.

(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.

(4) Motor driven cycles.

~~(d)~~ **(f)** The adopting entity may not adopt an ordinance to impose the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to impose the wheel tax.

~~(e)~~ **(g)** Notwithstanding any other provision of this chapter or IC 6-3.5-5, ordinances adopted by a county council before June 1, 2013, to impose or change the annual license excise surtax and the annual wheel tax in the county remain in effect until the ordinances are amended or repealed under this chapter or

IC 6-3.5-5.

SECTION 10. IC 6-3.5-5-1, AS AMENDED BY P.L.205-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~As used in~~ **The following definitions apply throughout** this chapter:

(1) "Adopting entity" means either the county council or the county income tax council established by IC 6-3.5-6-2 for the county, whichever adopts an ordinance to impose a wheel tax first.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "Bus" has the meaning set forth in IC 9-13-2-17(a).

(4) "Commercial ~~motor~~ vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

(5) "County council" includes the city-county council of a county that contains a consolidated city of the first class.

(6) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

(7) "Political subdivision" has the meaning set forth in IC 34-6-2-110.

(8) "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

(9) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

(10) "State agency" has the meaning set forth in IC 34-6-2-141.

(11) "Tractor" has the meaning set forth in IC 9-13-2-180.

(12) "Trailer" has the meaning set forth in IC 9-13-2-184(a).

(13) "Transportation asset management plan" has the meaning set forth in IC 8-23-30-1.

(14) "Truck" has the meaning set forth in IC 9-13-2-188(a).

(15) "Wheel tax" means the tax imposed under this chapter.

SECTION 11. IC 6-3.5-5-2, AS AMENDED BY P.L.205-2013, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The adopting entity of any county may, subject to the limitation imposed by subsection (b), adopt an ordinance to impose an annual wheel tax on each vehicle that:

(1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;

(2) is not exempt from the wheel tax under section 4 of this chapter; and

(3) is registered in the county.

(b) The adopting entity of a county may not adopt an ordinance to impose the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to impose the annual license excise surtax.

(c) The adopting entity may impose the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the adopting entity may establish different rates within the classes of buses, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles:

(1) may not be less than five dollars ($5) and may not exceed forty dollars ($40), **if the county does not use a transportation asset management plan approved by the Indiana department of transportation; or**

(2) may not be less than five dollars ($5) and may not exceed eighty dollars ($80), if the county uses a transportation asset management plan approved by the Indiana department of transportation.

The adopting entity shall state the initial wheel tax rates in the ordinance that imposes the tax.

SECTION 12. IC 6-3.5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Municipal Motor Vehicle License Excise Surtax

Sec. 1. The following definitions apply throughout this chapter:

(1) "Adopting municipality" means an eligible municipality that has adopted the surtax.

(2) "Eligible municipality" means a municipality having a population of at least twenty thousand (20,000).

(3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

(4) "Fiscal officer" has the meaning set forth in IC 36-1-2-7.

(5) "Motor vehicle" means a vehicle that is subject to the annual license excise tax imposed under IC 6-6-5.

(6) "Municipality" has the meaning set forth in IC 36-1-2-11.

(7) "Surtax" means the annual license excise surtax imposed by the fiscal body of an eligible municipality under this chapter.

(8) "Transportation asset management plan" has the meaning set forth in IC 8-23-30-1.

Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (d) and (e), adopt an ordinance to impose an annual license excise surtax on each motor vehicle listed in subsection (c) that is registered in the eligible municipality. The eligible municipality may impose the surtax at a specific amount of:

(1) at least seven dollars and fifty cents ($7.50); and

(2) not more than twenty-five dollars ($25).

The eligible municipality shall state the surtax rate or amount in the ordinance that imposes the tax.

(b) Subject to the limits and requirements of this section, the fiscal body of an eligible municipality may do any of the following:

(1) Impose the annual license excise surtax at the same amount on each motor vehicle that is subject to the tax.

(2) Impose the annual license excise surtax on vehicles subject to the tax at one (1) or more different amounts based on the class of vehicle listed in subsection (c).

(c) The license excise surtax applies to the following vehicles:

(1) Passenger vehicles.

(2) Motorcycles.

(3) Trucks with a declared gross weight that does not exceed eleven thousand (11,000) pounds.

(4) Motor driven cycles.

(d) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to impose the municipal wheel tax.

(e) The fiscal body of an eligible municipality may not adopt an ordinance to impose the surtax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

Sec. 3. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after December 31 but before July 1 of the following year, a motor vehicle is subject to the tax if the motor vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If the fiscal body of an eligible municipality adopts an ordinance imposing the surtax after June 30 but before the following January 1, a motor vehicle is subject to the tax if the motor vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the surtax is effective, the surtax does not apply to the registration of a motor vehicle for the registration year that commenced in the

calendar year preceding the year the surtax is first effective.

Sec. 4. (a) After January 1 but before July 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If a fiscal body adopts an ordinance to rescind the surtax, the surtax does not apply to a motor vehicle registered after December 31 of the year in which the ordinance is adopted.

(b) A fiscal body may not adopt an ordinance to rescind the surtax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-11 to rescind the municipal wheel tax.

Sec. 5. The fiscal body of an adopting municipality may adopt an ordinance to increase or decrease the surtax amount. The new surtax amount must be within the range of amounts prescribed by section 2 of this chapter. A new amount that is established by an ordinance that is adopted after December 31 but before July 1 of the following year applies to motor vehicles registered after December 31 of the year in which the ordinance to change the amount is adopted. A new amount that is established by an ordinance that is adopted after June 30 but before January 1 of the following year applies to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

Sec. 6. If the fiscal body of an eligible municipality adopts an ordinance to impose, rescind, or change the amount of the surtax, the fiscal body shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles.

Sec. 7. A person may not register a motor vehicle in an adopting municipality unless the person pays the surtax due, if any, to the bureau of motor vehicles. The amount of the surtax due equals the amount established under section 2 of this chapter. The bureau of motor vehicles shall collect the surtax due, if any, at the time a motor vehicle is registered.

Sec. 8. (a) If a vehicle has been acquired or brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the vehicle is required under the motor vehicle registration laws of Indiana to register vehicles, the amount of the surtax shall be reduced in the same manner as the excise tax is reduced under IC 6-6-5-7.2.

(b) The owner of a vehicle who sells the vehicle in a year in which the owner has paid the surtax imposed by this chapter is entitled to receive a credit that is calculated in the same manner and subject to the same requirements as the credit for the excise tax under IC 6-6-5-7.2.

(c) If the name of the owner of a vehicle is legally changed and the change has caused a change in the owner's annual registration date, the surtax liability of the owner shall be adjusted in the same manner as excise taxes are adjusted under IC 6-6-5-7.2.

Sec. 9. On or before the tenth day of the month following the month in which the surtax is collected, the bureau of motor vehicles shall remit the surtax to the fiscal officer of the adopting municipality that imposed the surtax. Concurrently with the remittance, the bureau of motor vehicles shall file a surtax collections report prepared on forms prescribed by the state board of accounts with the fiscal officer of the adopting municipality.

Sec. 10. (a) The fiscal officer of an adopting municipality shall deposit the surtax revenues in a fund to be known as the "municipal surtax fund".

(b) An adopting municipality may use the surtax revenues that the adopting municipality receives under this section only to construct, reconstruct, repair, or maintain streets and roads under the adopting municipality's jurisdiction.

Sec. 11. On or before August 1 of each year, the fiscal officer of an adopting municipality shall provide the fiscal body of the adopting municipality with an estimate of the surtax revenues to be received by the adopting municipality during the next calendar year. The adopting municipality shall include the estimated surtax revenues in the adopting municipality's budget estimate for the calendar year.

Sec. 12. The department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each surtax collected under this chapter.

Sec. 13. (a) The owner of a motor vehicle who knowingly registers the vehicle without paying the surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

(b) An employee of the bureau of motor vehicles who recklessly issues a registration on any motor vehicle without collecting the surtax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

SECTION 13. IC 6-3.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11. Municipal Wheel Tax

Sec. 1. The following definitions apply throughout this chapter:

(1) "Adopting municipality" means an eligible municipality that has adopted the wheel tax.

(2) "Branch office" means a branch office of the bureau of motor vehicles.

(3) "Bus" has the meaning set forth in IC 9-13-2-17(a).

(4) "Commercial vehicle" has the meaning set forth in IC 6-6-5.5-1(c).

(5) "Department" refers to the department of state revenue.

(6) "Eligible municipality" means a municipality having a population of at least twenty thousand (20,000).

(7) "In-state miles" has the meaning set forth in IC 6-6-5.5-1(i).

(8) "Political subdivision" has the meaning set forth in IC 34-6-2-110.

(9) "Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

(10) "Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

(11) "State agency" has the meaning set forth in IC 34-6-2-141.

(12) "Tractor" has the meaning set forth in IC 9-13-2-180.

(13) "Trailer" has the meaning set forth in IC 9-13-2-184(a).

(14) "Transportation asset management plan" has the meaning set forth in IC 8-23-30-1.

(15) "Truck" has the meaning set forth in IC 9-13-2-188(a).

(16) "Wheel tax" means the tax imposed under this chapter.

Sec. 2. (a) The fiscal body of an eligible municipality may, subject to subsections (b) and (c), adopt an ordinance to impose an annual wheel tax on each vehicle that:

(1) is included in one (1) of the classes of vehicles listed in section 3 of this chapter;

(2) is not exempt from the wheel tax under section 4 of this chapter; and

(3) is registered in the eligible municipality.

(b) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to impose the annual license excise surtax.

(c) The fiscal body of an eligible municipality may not adopt an ordinance to impose the wheel tax unless the eligible municipality uses a transportation asset management plan approved by the Indiana department of transportation.

(d) The fiscal body of an eligible municipality may impose

the wheel tax at a different rate for each of the classes of vehicles listed in section 3 of this chapter. In addition, the fiscal body may establish different rates within the classes of buses, recreational vehicles, semitrailers, trailers, tractors, and trucks based on weight classifications of those vehicles that are established by the bureau of motor vehicles for use throughout Indiana. However, the wheel tax rate for a particular class or weight classification of vehicles may not be less than five dollars ($5) and may not exceed forty dollars ($40). The fiscal body shall state the initial wheel tax rates in the ordinance that imposes the tax.

Sec. 3. The wheel tax applies to the following classes of vehicles:

(1) Buses.

(2) Recreational vehicles.

(3) Semitrailers.

(4) Tractors.

(5) Trailers.

(6) Trucks.

Sec. 4. A vehicle is exempt from the wheel tax imposed under this chapter if the vehicle is:

(1) owned by the state;

(2) owned by a state agency of the state;

(3) owned by a political subdivision of the state;

(4) subject to the annual license excise surtax imposed under IC 6-3.5-10; or

(5) a bus owned and operated by a religious or nonprofit youth organization and used to transport persons to religious services or for the benefit of its members.

Sec. 5. If the fiscal body of an eligible municipality adopts an ordinance imposing the wheel tax after December 31 but before July 1 of the following year, a vehicle described in section 2(a) of this chapter is subject to the tax if the vehicle is registered in the adopting municipality after December 31 of the year in which the ordinance is adopted. If a fiscal body adopts an ordinance imposing the wheel tax after June 30 but before the following January 1, a vehicle described in section 2(a) of this chapter is subject to the tax if the vehicle is registered in the adopting municipality after December 31 of the year following the year in which the ordinance is adopted. However, in the first year the tax is effective, the tax does not apply to the registration of a motor vehicle for the registration year that commenced in the calendar year preceding the year the tax is first effective.

Sec. 6. (a) After January 1 but before July 1 of any year, the fiscal body of an adopting municipality may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the wheel tax. If a fiscal body adopts an ordinance to rescind the wheel tax, the wheel tax does not apply to a vehicle registered after December 31 of the year the ordinance is adopted.

(b) The fiscal body of an adopting municipality may not adopt an ordinance to rescind the wheel tax unless the fiscal body concurrently adopts an ordinance under IC 6-3.5-10 to rescind the annual license excise surtax.

Sec. 7. The fiscal body of an adopting municipality may adopt an ordinance to increase or decrease the wheel tax rates. The new wheel tax rates must be within the range of rates prescribed by section 2 of this chapter. New rates that are established by an ordinance that is adopted after December 31 but before July 1 of the following year apply to vehicles registered after December 31 of the year in which the ordinance to change the rates is adopted. New rates that are established by an ordinance that is adopted after June 30 but before July 1 of the following year apply to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

Sec. 8. If the fiscal body of an eligible municipality adopts an ordinance to impose, rescind, or change the rates of the wheel tax, the fiscal body shall send a copy of the ordinance to the commissioner of the bureau of motor vehicles.

Sec. 9. (a) Every owner of a vehicle for which the wheel tax has been paid for the owner's registration year is entitled to a credit if during that registration year the owner sells the vehicle. The amount of the credit equals the wheel tax paid by the owner for the vehicle that was sold. The credit may be applied by the owner only against the wheel tax owed for a vehicle that is purchased during the same registration year.

(b) An owner of a vehicle is not entitled to a refund of any part of a credit that is not used under this section.

Sec. 10. A person may not register a vehicle in an adopting municipality unless the person pays the wheel tax due, if any, to the bureau of motor vehicles. The amount of the wheel tax due is based on the wheel tax rate, for that class of vehicle, in effect at the time of registration. The bureau of motor vehicles shall collect the wheel tax due, if any, at the time a motor vehicle is registered. The department or the bureau of motor vehicles, as applicable, may impose a service charge under IC 9-29 for each wheel tax collection made under this chapter.

Sec. 11. (a) An owner of one (1) or more commercial vehicles paying an apportioned registration to the state under the International Registration Plan that is required to pay a wheel tax shall pay an apportioned wheel tax calculated by dividing in-state actual miles by total fleet miles generated during the preceding year. If in-state miles are estimated for purposes of proportional registration, these miles are divided by total actual and estimated fleet miles. The apportioned wheel tax under this section shall be paid at the same time and in the same manner as the commercial vehicle excise tax under IC 6-6-5.5.

(b) A voucher from the department showing payment of the wheel tax may be accepted by the bureau of motor vehicles instead of the payment required under section 10 of this chapter.

Sec. 12. On or before the tenth day of the month following the month in which the wheel tax is collected, the bureau of motor vehicles shall remit the wheel tax to the fiscal officer of the adopting municipality that imposed the wheel tax. Concurrently with the remittance, the bureau shall file a wheel tax collections report prepared on forms prescribed by the state board of accounts with the fiscal officer of the adopting municipality.

Sec. 13. (a) If the wheel tax is collected directly by the bureau of motor vehicles instead of at a branch office, the commissioner of the bureau shall:

(1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and

(2) file a wheel tax collections report with the fiscal officer of the appropriate municipality;

in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

(b) If the wheel tax for a commercial vehicle is collected directly by the department, the commissioner of the department shall:

(1) remit the wheel tax to, and file a wheel tax collections report with, the fiscal officer of the appropriate municipality; and

(2) file a wheel tax collections report with the fiscal officer of the appropriate municipality;

in the same manner and at the same time that a branch office manager is required to remit and report under section 12 of this chapter.

Sec. 14. (a) The fiscal officer of an adopting municipality shall deposit the wheel tax revenues in a fund to be known as the "municipal wheel tax fund".

(b) An adopting municipality may use the wheel tax revenues that the municipality receives under this section

only:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or

(2) as a contribution to an authority established under IC 36-7-23.

Sec. 15. On or before August 1 of each year, the fiscal officer of an adopting municipality shall provide the fiscal body of the adopting municipality with an estimate of the wheel tax revenues to be received by the adopting municipality during the next calendar year. The adopting municipality shall include the estimated wheel tax revenues in the adopting municipality's budget estimate for the calendar year.

Sec. 16. (a) The owner of a vehicle who knowingly registers the vehicle without paying the wheel tax imposed under this chapter with respect to that registration commits a Class B misdemeanor.

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

SECTION 14. IC 6-3.6-6-4, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. The adopting body shall, by ordinance, determine how the additional revenue from a tax under this chapter must be allocated in subsequent years. The ordinance must be adopted before July 1 and first applies in the following year and then thereafter until it is rescinded or modified. The revenue must be allocated among the following uses as provided in this chapter:

(1) Public safety.

(2) Road and bridge projects.

~~(2)~~ **(3)** Economic development projects.

~~(3)~~ **(4)** Certified shares.

The ordinance may describe the allocation of additional revenue by use of percentages or dollar amounts.

SECTION 15. IC 6-3.6-6-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 7.5. (a) This section applies to the allocation of additional revenues from a tax under this chapter for road and bridge purposes.**

(b) The amount of the certified distribution that is allocated to road and bridge purposes shall be allocated to the county and each municipality in the county that is carrying out at least one (1) of the road and bridge purposes. For purposes of this subsection, in the case of a consolidated city, the total property taxes imposed by the consolidated city include the property taxes imposed by the consolidated city and all special taxing districts (except for a public library district, a public transportation corporation, and a health and hospital corporation), and all special service districts. The amount allocated under this subsection to a county or municipality that is entitled to a distribution under this section for the calendar year is equal to the product of:

(1) the amount of the certified distribution that is allocated to road and bridge purposes; multiplied by

(2) a fraction equal to:

(A) the result of the attributed allocation amount of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county that is entitled to a distribution under this section for the calendar year.

(c) A county or municipality may use money allocated to the county or the municipality under subsection (b) only for:

(1) the county's or municipality's contribution to the funding of an eligible project (as defined in IC 8-23-30-1) for which the county or municipality is seeking a matching grant under IC 8-23-30; or

(2) a purpose described in IC 8-14-2-5(1).

SECTION 16. IC 6-3.6-6-10, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. (a) This section applies to additional revenue from a tax under this chapter that is allocated for certified shares.

(b) Additional revenue remaining from a tax imposed under this chapter, after deducting the amounts allocated to public safety purposes, **road and bridge purposes,** and economic development purposes, shall be allocated among the civil taxing units as certified shares.

SECTION 17. IC 6-3.6-9-5, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) Before August 2 of each calendar year, the budget agency shall provide to the department of local government finance and the county auditor of each adopting county an estimate of the amount determined under section 4 of this chapter that will be distributed to the county, based on known tax rates. Not later than fifteen (15) days after receiving the estimate of the certified distribution, the department of local government finance shall determine for each taxing unit and notify the county auditor of the estimated amount of property tax credits, school distributions, public safety revenue, **road and bridge revenue,** economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the amounts estimated for the taxing unit.

(b) Before October 1 of each calendar year, the budget agency shall certify to the department of local government finance and the county auditor of each adopting county:

(1) the amount determined under section 4 of this chapter; and

(2) the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year.

The amount certified is the county's certified distribution for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under sections 6, 7, and 8 of this chapter. Not later than fifteen (15) days after receiving the amount of the certified distribution, the department of local government finance shall determine for each taxing unit and notify the county auditor of the certified amount of property tax credits, school distributions, public safety revenue, **road and bridge revenue,** economic development revenue, certified shares, and special purpose revenue that will be distributed to the taxing unit under this chapter during the ensuing calendar year. Not later than thirty (30) days after receiving the department's estimate, the county auditor shall notify each taxing unit of the certified amounts for the taxing unit.

SECTION 18. IC 6-6-1.1-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 201. **(a)** A license tax ~~of eighteen cents ($0.18) per gallon~~ is imposed on the use of all gasoline used in Indiana **at the applicable rate specified in subsection (b),** except as otherwise provided by this chapter. The distributor shall initially pay the tax on the billed gallonage of all gasoline the distributor receives in this state, less any deductions authorized by this chapter. The distributor shall then add the per gallon amount of tax to the selling price of each gallon of gasoline sold in this state and collected from the purchaser so that the ultimate consumer bears the burden of the tax.

(b) The license tax described in subsection (a) is imposed at one (1) of the following rates, as applicable:

(1) Before July 1, 2016, eighteen cents ($0.18) per gallon.

(2) After June 30, 2016, the product of the following, rounding the result of the multiplication to the nearest

cent:

(A) Eighteen cents ($0.18) per gallon.

(B) The factor determined under IC 6-6-1.6-2.

The department shall publish the rate determined under this subdivision on the department's Internet web site not later than June 1, 2016.

SECTION 19. IC 6-6-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.6. Fuel Tax Index Factors

Sec. 1. The following definitions apply throughout this chapter:

(1) "CPI-U" means the Consumer Price Index for all Urban Consumers, U.S. city average, all items, using the index base period of 1982-84 equal to one hundred (100), as published by the Bureau of Labor Statistics of the United States Department of Labor.

(2) "Department" refers to the department of state revenue.

(3) "NHCCI" means the National Highway Construction Cost Index as published by the Federal Highway Administration of the United States Department of Transportation.

Sec. 2. (a) The department shall calculate the factor specified in subsection (b) before June 1, 2016.

(b) The fuel tax index factor in this section equals the factor determined in STEP FOUR of the following formula:

STEP ONE: Divide the annual CPI-U for 2015 by the annual CPI-U for 2002.

STEP TWO: Divide the annual NHCCI for 2015 by the annual NHCCI for 2003.

STEP THREE: Add:

(A) the STEP ONE result; and

(B) the STEP TWO result.

STEP FOUR: Divide the STEP THREE result by two (2).

SECTION 20. IC 6-6-2.5-22.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. As used in this chapter, "special fuel gallon" means:**

(1) except as provided in subdivisions (2) and (3), a gallon of special fuel;

(2) a diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the case of a special fuel that is liquid natural gas; or

(3) a gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in the case of a special fuel that is compressed natural gas.

SECTION 21. IC 6-6-2.5-28, AS AMENDED BY P.L.190-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) A license tax ~~of sixteen cents ($0.16) per:~~

~~(1) gallon;~~

~~(2) diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the case of a special fuel that is liquid natural gas; or~~

~~(3) gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in the case of a special fuel that is compressed natural gas;~~

is imposed on all special fuel sold or used in producing or generating power for propelling motor vehicles, except fuel used under section 30(a)(8) or 30.5 of this chapter, **at the applicable rate specified in subsection (b).** The tax shall be paid at those times, in the manner, and by those persons specified in this section and section 35 of this chapter.

(b) The license tax described in subsection (a) is imposed at one (1) of the following rates, as applicable:

(1) Before July 1, 2016, sixteen cents ($0.16) per special fuel gallon.

(2) After June 30, 2016, the product of the following, rounding the result of the multiplication to the nearest cent:

(A) Sixteen cents ($0.16) per special fuel gallon.

(B) The factor determined under IC 6-6-1.6-2.

The department shall publish the rate determined under this subdivision on the department's Internet web site not later than June 1, 2016.

~~(b)~~ **(c)** The department shall consider it a rebuttable presumption that all undyed or unmarked special fuel, or both, received in Indiana is to be sold for use in propelling motor vehicles.

~~(c)~~ **(d)** Except as provided in subsection ~~(d),~~ **(e),** the tax imposed on special fuel by subsection (a) shall be measured by invoiced gallons (or diesel or gasoline gallon equivalents in the case of a special fuel described in ~~subsection (a)(2) or (a)(3))~~ **section 22.5(2) or 22.5(3) of this chapter** of nonexempt special fuel received by a licensed supplier in Indiana for sale or resale in Indiana or with respect to special fuel subject to a tax precollection agreement under section 35(d) of this chapter, such special fuel removed by a licensed supplier from a terminal outside of Indiana for sale for export or for export to Indiana and in any case shall generally be determined in the same manner as the tax imposed by Section 4081 of the Internal Revenue Code and Code of Federal Regulations.

~~(d)~~ **(e)** The tax imposed by subsection (a) on special fuel imported into Indiana, other than into a terminal, is imposed at the time the product is entered into Indiana and shall be measured by invoiced gallons received at a terminal or at a bulk plant.

~~(e)~~ **(f)** In computing the tax, all special fuel in process of transfer from tank steamers at boat terminal transfers and held in storage pending wholesale bulk distribution by land transportation, or in tanks and equipment used in receiving and storing special fuel from interstate pipelines pending wholesale bulk reshipment, shall not be subject to tax.

~~(f)~~ **(g)** The department shall consider it a rebuttable presumption that special fuel consumed in a motor vehicle plated for general highway use is subject to the tax imposed under this chapter. A person claiming exempt use of special fuel in such a vehicle must maintain adequate records as required by the department to document the vehicle's taxable and exempt use.

~~(g)~~ **(h)** A person that engages in blending fuel for taxable sale or use in Indiana is primarily liable for the collection and remittance of the tax imposed under subsection (a). The person shall remit the tax due in conjunction with the filing of a monthly report in the form prescribed by the department.

~~(h)~~ **(i)** A person that receives special fuel that has been blended for taxable sale or use in Indiana is secondarily liable to the state for the tax imposed under subsection (a).

~~(i)~~ **(j)** A person may not use special fuel on an Indiana public highway if the special fuel contains a sulfur content that exceeds five one-hundredths of one percent (0.05%). A person who knowingly:

(1) violates; or

(2) aids or abets another person to violate;

this subsection commits a Class A infraction. However, the violation is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a Level 6 felony if the person has committed more than one (1) unrelated violation of this subsection.

SECTION 22. IC 6-6-2.5-62, AS AMENDED BY P.L.158-2013, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 62. (a) No person shall import, sell, use, deliver, or store in Indiana special fuel in bulk as to which dye or a marker, or both, has not been added in accordance with section 31 of this chapter, or as to which the tax imposed by this chapter has not been paid to or accrued by a licensed supplier or licensed permissive supplier as shown by a notation on a terminal-issued shipping paper subject to the following exceptions:

(1) A supplier shall be exempt from this provision with respect to special fuel manufactured in Indiana or imported by pipeline or waterborne barge and stored within a terminal in Indiana.

(2) An end user shall be exempt from this provision with respect to special fuel in a vehicle supply tank when the fuel was placed in the vehicle supply tank outside of Indiana.

(3) A licensed importer, and transporter operating on the importer's behalf, that transports in vehicles with a capacity of more than five thousand four hundred (5,400) gallons, shall be exempt from this prohibition if the importer or the transporter has met all of the following conditions:

(A) The importer or the transporter before entering onto the highways of Indiana has obtained an import verification number from the department not earlier than twenty-four (24) hours before entering Indiana.

(B) The import verification number must be set out prominently and indelibly on the face of each copy of the terminal-issued shipping paper carried on board the transport truck.

(C) The terminal origin and the importer's name and address must be set out prominently on the face of each copy of the terminal-issued shipping paper.

(D) The terminal-issued shipping paper data otherwise required by this chapter is present.

(E) All tax imposed by this chapter with respect to previously requested import verification number activity on the account of the importer or the transporter has been timely remitted.

In every case, a transporter acting in good faith is entitled to rely upon representations made to the transporter by the fuel supplier or importer and when acting in good faith is not liable for the negligence or malfeasance of another person. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a Level 6 felony.

(b) No person shall export special fuel from Indiana unless that person has obtained an exporter's license or a supplier's license or has paid the destination state special fuel tax to the supplier and can demonstrate proof of export in the form of a destination state bill of lading. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a Level 6 felony.

(c) No person shall operate or maintain a motor vehicle on any public highway in Indiana with special fuel contained in the fuel supply tank for the motor vehicle that contains dye or a marker, or both, as provided under section 31 of this chapter. This provision does not apply to persons operating motor vehicles that have received fuel into their fuel tanks outside of Indiana in a jurisdiction that permits introduction of dyed or marked, or both, special fuel of that color and type into the motor fuel tank of highway vehicles or to a person that qualifies for the federal fuel tax exemption under Section 4082 of the Internal Revenue Code and that is registered with the department as a dyed fuel user. A person who knowingly:

(1) violates; or

(2) aids and abets another person in violating;

this subsection commits a Class A infraction. However, the violation is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a Level 6 felony if the person has committed more than one (1) prior unrelated violation of this subsection.

(d) No person shall engage in any business activity in Indiana as to which a license is required by section 41 of this chapter unless the person shall have first obtained the license. A person who knowingly violates or knowingly aids and abets another person in violating this subsection commits a Level 6 felony.

(e) No person shall operate a motor vehicle with a capacity of more than five thousand four hundred (5,400) gallons that is engaged in the shipment of special fuel on the public highways of Indiana and that is destined for a delivery point in Indiana, as shown on the terminal-issued shipping papers, without having on board a terminal-issued shipping paper indicating with respect to any special fuel purchased:

(1) under claim of exempt use, a notation describing the load or the appropriate portion of the load as Indiana tax exempt special fuel;

(2) if not purchased under a claim of exempt use, a notation describing the load or the appropriate portion thereof as Indiana taxed or pretaxed special fuel; or

(3) if imported by or on behalf of a licensed importer instead of the pretaxed notation, a valid verification number provided before entry into Indiana by the department or the department's designee or appointee, and the valid verification number may be handwritten on the shipping paper by the transporter or importer.

A person is in violation of subdivision (1) or (2) (whichever applies) if the person boards the vehicle with a shipping paper that does not meet the requirements described in the applicable subdivision (1) or (2). A person in violation of this subsection commits a Class A infraction (as defined in IC 34-28-5-4).

(f) A person may not sell or purchase any product for use in the supply tank of a motor vehicle for general highway use that does not meet ASTM standards as published in the annual Book of Standards and its supplements unless amended or modified by rules adopted by the department under IC 4-22-2. The transporter and the transporter's agent and customer have the exclusive duty to dispose of any product in violation of this section in the manner provided by federal and state law. A person who knowingly:

(1) violates; or

(2) aids and abets another in violating;

this subsection commits a Level 6 felony.

(g) This subsection does not apply to the following:

(1) A person that:

(A) inadvertently manipulates the dye or marker concentration of special fuel or coloration of special fuel; and

(B) contacts the department within one (1) business day after the date on which the contamination occurs.

(2) A person that affects the dye or marker concentration of special fuel by engaging in the blending of the fuel, if the blender:

(A) collects or remits, or both, all tax due as provided in section ~~28(g)~~ **28(h)** of this chapter;

(B) maintains adequate records as required by the department to account for the fuel that is blended and its status as a taxable or exempt sale or use; and

(C) is otherwise in compliance with this subsection.

A person may not manipulate the dye or marker concentration of a special fuel or the coloration of special fuel after the special fuel is removed from a terminal or refinery rack for sale or use in Indiana. A person who knowingly violates or aids and abets another person to violate this subsection commits a Level 6 felony.

(h) This subsection does not apply to a person that receives blended fuel from a person in compliance with subsection (g)(2). A person may not sell or consume special fuel if the special fuel dye or marker concentration or coloration has been manipulated, inadvertently or otherwise, after the special fuel has been removed from a terminal or refinery rack for sale or use in Indiana. A person who knowingly:

(1) violates; or

(2) aids and abets another to violate;

this subsection commits a Level 6 felony.

(i) A person may not engage in blending fuel for taxable use in Indiana without collecting and remitting the tax due on the untaxed portion of the fuel that is blended. A person who knowingly:

(1) violates; or
(2) aids and abets another to violate;
this subsection commits a Level 6 felony.

SECTION 23. IC 6-6-2.5-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 64. (a) If any person liable for the tax files a false or fraudulent return, there shall be added to the tax an amount equal to the tax the person evaded or attempted to evade.

(b) The department shall impose a civil penalty of one thousand dollars ($1,000) for a person's first occurrence of transporting special fuel without adequate shipping papers as required under sections 40, 41(g), and 62(e) of this chapter, unless the person shall have complied with rules adopted under IC 4-22-2. Each subsequent occurrence described in this subsection is subject to a civil penalty of five thousand dollars ($5,000).

(c) The department shall impose a civil penalty on the operator of a vehicle of two hundred dollars ($200) for the initial occurrence, two thousand five hundred dollars ($2,500) for the second occurrence, and five thousand dollars ($5,000) for the third and each subsequent occurrence of a violation of either:

(1) the prohibition of use of dyed or marked special fuel, or both, on the Indiana public highways, except for a person that qualifies for the federal fuel tax exemption under Section 4082 of the Internal Revenue Code and that is registered with the department as a dyed fuel user; or
(2) the use of special fuel in violation of section ~~28(i)~~ **28(j)** of this chapter.

(d) A supplier that makes sales for export to a person:

(1) who does not have an appropriate export license; or
(2) without collection of the destination state tax on special fuel nonexempt in the destination state;

shall be subject to a civil penalty equal to the amount of Indiana's special fuel tax in addition to the tax due.

(e) The department may impose a civil penalty of one thousand dollars ($1,000) for each occurrence against every terminal operator that fails to meet shipping paper issuance requirements under section 40 of this chapter.

(f) Each importer or transporter who knowingly imports undyed or unmarked special fuel, or both, in a transport truck without:

(1) a valid importer license;
(2) a supplier license;
(3) an import verification number, if transporting in a vehicle with a capacity of more than five thousand four hundred (5,400) gallons; or
(4) a shipping paper showing on the paper's face as required under this chapter that Indiana special fuel tax is not due;

is subject to a civil penalty of ten thousand dollars ($10,000) for each occurrence described in this subsection.

(g) This subsection does not apply to a person if section 62(g) of this chapter does not apply to the person. A:

(1) person that manipulates the dye or marker concentration of special fuel or the coloration of special fuel after the special fuel is removed from a terminal or refinery rack for sale or use in Indiana; and
(2) person that receives the special fuel;

are jointly and severally liable for the special fuel tax due on the portion of untaxed fuel plus a penalty equal to the greater of one hundred percent (100%) of the tax due or one thousand dollars ($1,000).

(h) A person that engages in blending fuel for taxable sale or use in Indiana and does not collect and remit all tax due on untaxed fuel that is blended is liable for the tax due plus a penalty that is equal to the greater of one hundred percent (100%) of the tax due or one thousand dollars ($1,000).

SECTION 24. IC 6-6-4.1-4.5, AS AMENDED BY P.L.277-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. **(a) As used in this section, "surcharge gallon" means, as applicable:**

(1) a gallon of gasoline or special fuel (other than natural gas or an alternative fuel commonly or commercially known or sold as butane or propane);
(2) a diesel gallon equivalent of a special fuel that is liquid natural gas; or
(3) a gasoline gallon equivalent of a special fuel that is compressed natural gas or an alternative fuel commonly or commercially known or sold as butane or propane.

~~(a)~~ **(b)** A surcharge tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana **at the applicable rate specified in subsection (c).** ~~The rate of this surcharge tax is eleven cents ($0.11) per:~~

~~(1) gallon of gasoline or special fuel (other than natural gas or an alternative fuel commonly or commercially known or sold as butane or propane);~~
~~(2) diesel gallon equivalent of a special fuel that is liquid natural gas; or~~
~~(3) gasoline gallon equivalent of a special fuel that is compressed natural gas or an alternative fuel commonly or commercially known or sold as butane or propane.~~

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(c) The surcharge tax described in subsection (b) is imposed at one (1) of the following rates, as applicable:

(1) Before July 1, 2016, eleven cents ($0.11) per surcharge gallon.
(2) After June 30, 2016, the product of the following, rounding the result of the multiplication to the nearest cent:
(A) Eleven cents ($0.11) per surcharge gallon.
(B) The factor determined under IC 6-6-1.6-2.
The department shall publish the rate determined under this subdivision on the department's Internet web site not later than June 1, 2016.

~~(b)~~ **(d)** The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

~~(c)~~ **(e)** The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana.

~~(d)~~ **(f)** Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of this equipment as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 25. IC 6-7-1-0.4, AS ADDED BY P.L.220-2011, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.4. **(a)** Notwithstanding section 14 of this chapter, revenue stamps paid for before July 1, 2007, and in the possession of a distributor may be used after June 30, 2007, only if the full amount of the tax imposed by section 12 of this chapter, as effective after June 30, 2007, and as amended by P.L.218-2007, is remitted to the department under the procedures prescribed by the department.

(b) Notwithstanding section 14 of this chapter, revenue

stamps paid for before July 1, 2016, and in the possession of a distributor may be used after June 30, 2016, only if the full amount of the tax imposed by section 12 of this chapter, as effective after June 30, 2016, and as amended by HEA 1001-2016, is remitted to the department under the procedures prescribed by the department.

SECTION 26. IC 6-7-1-12, AS AMENDED BY P.L.218-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes within the state of Indiana:

(1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of ~~four and nine hundred seventy-five thousandths cents ($0.04975)~~ **nine and nine hundred seventy-five thousandths cents ($0.09975)** per individual cigarette.

(2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of ~~six and six hundred twelve thousandths cents ($0.06612)~~ **thirteen and two hundred fifty-seven thousandths cents ($0.13257)** per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 1/2) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 3/4) inches (or fraction thereof) as a separate cigarette.

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

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

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

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

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

SECTION 27. IC 6-7-1-28.1, AS AMENDED BY P.L.213-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2016]: Sec. 28.1. The taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

(1) ~~Four and twenty-two hundredths percent (4.22%)~~ **Two and fifty-six hundredths percent (2.56%)** of the money shall be deposited in a fund to be known as the cigarette tax fund.

(2) ~~Six-tenths percent (0.6%)~~ **Three hundred sixty-two thousandths percent (0.362%)** of the money shall be deposited in a fund to be known as the mental health centers fund.

(3) ~~The following amount of the money~~ **Thirty-four and one hundred fifty-eight thousandths percent (34.158%)** shall be deposited in the state general fund.

~~(A) After June 30, 2011, and before July 1, 2013, sixty and twenty-four hundredths percent (60.24%).~~

~~(B) After June 30, 2013, fifty-six and twenty-four hundredths percent (56.24%).~~

(4) ~~Five and forty-three hundredths percent (5.43%)~~ **Three and three-tenths percent (3.3%)** of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.

(5) ~~Twenty-seven and five hundredths percent (27.05%)~~ **Sixteen and forty-three hundredths percent (16.43%)** of the money shall be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17.

(6) ~~Two and forty-six hundredths percent (2.46%)~~ **Forty and seventy-six hundredths percent (40.76%)** of the money shall be deposited in the state general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for provider reimbursements.

(7) ~~The following amount of the money~~ **Two and forty-three hundredths percent (2.43%)** shall be deposited in the state retiree health benefit trust fund established by IC 5-10-8-8.5. ~~as follows:~~

~~(A) Before July 1, 2011, five and seventy-four hundredths percent (5.74%).~~

~~(B) After June 30, 2011, and before July 1, 2013, zero percent (0%).~~

~~(C) After June 30, 2013, four percent (4%).~~

The money in the cigarette tax fund, the mental health centers fund, the healthy Indiana plan trust fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited under subdivisions (6) through (7) may not be used for any purpose other than the purpose stated in the subdivision.

SECTION 28. IC 6-8.1-3-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26. (a) The department shall:**

(1) study methods of indexing fuel tax rates; and

(2) report the department's findings under subdivision (1) to the interim study committee on roads and transportation before October 1, 2016.

The department shall provide any documents prepared by the department as part of the report under subdivision (2) to the legislative services agency in an electronic format under IC 5-14-6.

(b) This section expires January 1, 2017.

SECTION 29. IC 8-14-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A qualified county which:

(1) has adopted the county motor vehicle excise surtax under IC 6-3.5-4 and the county wheel tax under IC 6-3.5-5;

(2) is imposing the county motor vehicle excise surtax at:

(A) the maximum allowable rate, if the qualified county sets a county motor vehicle excise surtax rate under ~~IC 6-3.5-4-2(a)(1);~~ **IC 6-3.5-4-2(b)(1) or IC 6-3.5-4-2(c)(1);** or

(B) ~~an~~ **the maximum allowable** amount, ~~of not less than twenty dollars ($20),~~ if the qualified county sets the county motor vehicle excise surtax at a specific amount under ~~IC 6-3.5-4-2(a)(2);~~ **IC 6-3.5-4-2(b)(2) or IC 6-3.5-4-2(c)(2);** and

(3) has not issued bonds under IC 8-14-9;

may apply to the Indiana department of transportation for a loan from the distressed road fund. At the time of the application, the county shall notify the department of local government finance that it has made the application.

(b) The application must include, at a minimum:

(1) a map depicting all roads and streets in the system of the applicant; and

(2) a copy of that county's proposed program of work covering the current and the immediately following calendar year.

SECTION 30. IC 8-14-14.1-5, AS ADDED BY P.L.213-2015, SECTION 102, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) After review by the budget committee, the budget agency may, after June 30, 2015, and before July 1, 2016, direct the auditor of state to transfer not more than one hundred million dollars ($100,000,000) to the fund from the state general fund. If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency. There is appropriated from the state general fund an amount sufficient to make the transfer under this subsection.

(b) After review by the budget committee, the budget agency may, after June 30, 2016, and before July 1, 2017, direct the auditor of state to transfer not more than one hundred million dollars ($100,000,000) to the fund from the state general fund. If the budget agency directs the auditor of state to make such a transfer, the auditor of state shall transfer to the fund the amount determined by the budget agency. There is appropriated from the state general fund an amount sufficient to make the transfer under this subsection.

(c) Notwithstanding section 3(e) of this chapter, if one (1) or more transfers under subsection (a) ~~or (b)~~ are made to the fund, the budget agency may after review by the budget committee transfer from the fund to the major moves construction fund established by IC 8-14-14-5 an amount equal to the lesser of:

(1) ~~two~~ **one** hundred million dollars ~~($200,000,000);~~ **($100,000,000);** or

(2) the total amount of any transfers under subsection (a) ~~or (b)~~ that are made to the fund.

(d) Money that is transferred as described in subsection (c) may be used for any purpose of the major moves construction fund.

(e) Notwithstanding section 3(e) of this chapter, if one (1) or more transfers under subsection (b) are made to the fund, the budget agency may after review by the budget committee transfer from the fund to the state highway fund created by IC 8-23-9-54 an amount equal to the lesser of:

(1) one hundred million dollars ($100,000,000); or

(2) the total amount of any transfers under subsection (b) that are made to the fund.

(f) Money that is transferred as described in subsection (e) may be used only for preserving or reconstructing existing state highways and bridges for which the department is responsible.

SECTION 31. IC 8-15-3-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this chapter, "authority" refers to the Indiana finance authority established under IC 4-4-11.**

SECTION 32. IC 8-15-3-36 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 36. (a) Before July 1, 2016, the department shall submit a request to the Federal Highway Administration for a waiver to toll lanes on the following interstate highways:**

(1) Interstate 65.

(2) Interstate 70.

(3) Interstate 80/94.

(b) Before January 1, 2017, the department shall:

(1) conduct a feasibility study on tolling the interstate highways listed in subsection (a)(1) through (a)(3); and

(2) present the feasibility study to the budget committee for review.

SECTION 33. IC 8-23-2-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 19. (a) There is appropriated two hundred fifty thousand dollars ($250,000) from the state highway fund to the department for the local technical assistance program under section 5(a)(6) of this chapter for the state fiscal year beginning July 1, 2016, in order to develop a data collection system capable of collecting and compiling data from local units of government that are responsible for overseeing roads and streets.**

(b) The data to be collected by the data collection system described in subsection (a) must include the following:

(1) Accounting for all revenue streams dedicated to local road maintenance and construction.

(2) Actual expenditures on maintenance and construction.

(3) Planned expenditures on maintenance and construction.

(4) Deferred maintenance.

(c) The department shall submit a report on the department's progress in developing the data collection system described in subsections (a) and (b) to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2017.

(d) This section expires January 1, 2018.

SECTION 34. IC 8-23-30 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 30. Local Road and Bridge Matching Grant Fund

Sec. 1. The following definitions apply throughout this chapter:

(1) "Eligible project" means a project:

(A) that is undertaken by a local unit;

(B) that repairs or increases the capacity of local roads and bridges;

(C) that is part of the local unit's transportation asset management plan; and

(D) for which the local unit provides funds for at least ten percent (10%) of the total project cost.

(2) "Fund" refers to the local road and bridge matching grant fund established by section 2 of this chapter.

(3) "Local unit" means a county or municipality.

(4) "Transportation asset management plan" includes planning for drainage systems and rights-of-way that affect transportation assets.

Sec. 2. (a) The local road and bridge matching grant fund is established to provide matching grants to local units for eligible projects.

(b) The department shall administer the fund.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Interest deposited in the fund under subsection (d).

(3) Money deposited in or transferred to the fund from any other source.

(d) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

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

(f) Money in the fund is continuously appropriated for the purpose of the fund.

Sec. 3. A local unit that uses a transportation asset management plan approved by the department may apply to the department for a grant from the fund for an eligible project. The application must be in the form and manner prescribed by the department.

Sec. 4. A local unit's application for a grant from the fund must specify the amount of money that the local unit is committing to contribute to the eligible project.

Sec. 5. In the evaluation of an application for a grant from the fund, the department shall give preference to projects that are anticipated by the department to have the greatest regional economic significance for the region in which the local unit is located.

Sec. 6. If the department approves a grant to a local unit under this chapter, the amount of the grant from the fund is equal to the amount that the local unit commits to contribute to the proposed eligible project.

Sec. 7. The department may adopt guidelines to implement this chapter.

SECTION 35. IC 9-29-5-47 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 47. (a) The fee in this section applies after December 31, 2016, to each electric vehicle that is required to be registered under IC 9-18.**

(b) As used in this section, "electric vehicle" means a vehicle that:

(1) is propelled by an electric motor powered by a battery or other electrical device incorporated into the vehicle; and

(2) is not propelled by an engine powered by the combustion of a hydrocarbon fuel, including gasoline, diesel, propane, or liquid natural gas.

(c) In addition to any other fee required to register an electric vehicle under this chapter, the supplemental fee to register an electric vehicle is one hundred dollars ($100). The fee shall be distributed to the local road and bridge matching grant fund established under IC 8-23-30.

SECTION 36. IC 35-52-6-24.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.7. IC 6-3.5-10-13 defines crimes concerning the municipal motor vehicle license excise surtax.**

SECTION 37. IC 35-52-6-24.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 24.8. IC 6-3.5-11-16 defines crimes concerning the municipal wheel tax.**

SECTION 38. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated two million dollars ($2,000,000) from the state general fund to the state department of health for its use in administering the tobacco use prevention and cessation program for the state fiscal year beginning July 1, 2016.**

(b) The appropriation in subsection (a) is in addition to the appropriation in P.L.213-2015, SECTION 8, of five million dollars ($5,000,000) from the tobacco master settlement agreement fund to the state department of health for the tobacco use prevention and cessation program for the state fiscal year beginning July 1, 2016.

(c) This SECTION expires July 1, 2017.

SECTION 39. **An emergency is declared for this act.**".

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 333 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 5.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 20-26-2-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.3. "Expanded child protection index check" means:**

(1) an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under IC 31-33-26-2;

(2) an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

(3) for a certificated employee, an inquiry with the department of education or other entity that may issue a license to teach of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. **(a) This section applies to a:**

(1) school corporation;

(2) charter school; or

(2) a nonpublic school that employs one (1) or more employees.

~~(a)~~ **(b)** A school corporation, including a charter school and ~~an accredited~~ **a** nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) employment with the school corporation, **charter school, or nonpublic school;** or

(B) employment with an entity with which the school corporation, **charter school, or nonpublic school** contracts for services;

(2) seek to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school;** or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school;**

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

~~(b)~~ **(c)** A school corporation, including a charter school and ~~an accredited~~ **a** nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or ~~accredited~~ nonpublic school conduct an expanded criminal history check **and an expanded child protection index check** concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or ~~accredited~~ nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or ~~accredited~~ nonpublic school to request an expanded criminal history check **and an expanded child protection index check** concerning the individual before or not later than three (3) months after the individual's employment by the school corporation **or school.** The school corporation, charter school, or ~~accredited~~ nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check **and expanded child protection index check.** Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check **and expanded child protection index check.** The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check **and expanded child protection index check.** An applicant may not be required by a school

corporation, charter school, or ~~accredited~~ nonpublic school to obtain an expanded criminal history check **or an expanded child protection index check** more than one (1) time during a five (5) year period.

~~(c)~~ **(d)** Information obtained under this section must be used in accordance with law.

SECTION 3. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

(1) a school corporation;

(2) a charter school; and

(3) an entity:

(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(7) Aggravated battery (IC 35-42-2-1.5).

(8) Kidnapping (IC 35-42-3-2).

(9) Criminal confinement (IC 35-42-3-3).

(10) A sex offense under IC 35-42-4.

(11) Carjacking (IC 35-42-5-2) (repealed).

(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

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

(14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(15) Child selling (IC 35-46-1-4(d)).

(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is the subject of a substantiated report of child abuse or neglect.

SECTION 4. IC 20-26-5-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.5. (a) As used in this section, "school" includes:**

(1) a charter school, as defined in IC 20-24-1-4;

(2) a nonpublic school, as defined in IC 20-18-2-12, that employs one (1) or more employees;

(3) a public school, as defined in IC 20-18-2-15(1); and

(4) an entity in another state that carries out a function similar to an entity described in subdivisions (1) through (3).

(b) Notwithstanding any confidentiality agreement entered into by a school and an employee of the school, a school that receives a request for an employment reference, from another school, for a current or former employee, shall disclose to the requesting school any incident known by the school in which the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

(c) A school may not disclose information under this section that:

(1) identifies a student; or

(2) is confidential student information under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(d) A confidentiality agreement entered into or amended after June 30, 2016, by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

SECTION 5. IC 20-43-7-1, AS AMENDED BY P.L.205-2013, SECTION 290, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs for the state fiscal year. Subject to subsections (b) and (c), the amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding state fiscal year in:

(1) the school corporation; or

(2) a transferee corporation.

(b) Before February 1 of each calendar year, the department shall determine the result of:

(1) the total amount of the special education grant that would have been received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year if the grant had been based on the count of students with disabilities that

was made on the immediately preceding December 1; minus

(2) the total amount of the special education grant received by the school corporation during the months of July, August, September, October, November, and December of the preceding calendar year and January of the current calendar year.

If the result determined under this subsection is positive, the school corporation shall receive an additional special education grant distribution in February equal to the result determined under this subsection. If the result determined under this subsection is negative, the special education grant distributions that otherwise would be received by the school corporation in February, March, April, and May shall be proportionately reduced so that the total reduction is equal to the result determined under this subsection.

(c) The special education grant distributions made in February, March, April, May, and June of a calendar year shall be based on the count of students with disabilities that was made on the immediately preceding December 1.

(d) After June 30, 2016, in addition to the December 1 count, a second count of eligible pupils enrolled in special education programs shall be conducted. The count must be in the spring semester on a date fixed by the state board. The spring count of eligible students shall be used for informational purposes and is not used to calculate grant amounts under this chapter.

SECTION 6. IC 20-43-7-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) In a school corporation's cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction up to and including December 1 of the current year plus each pupil who received homebound instruction after December 1 of the prior school year.

(b) This subsection applies to a state fiscal year starting after June 30, 2016. In addition to the cumulative count described in subsection (a), a school corporation shall conduct a cumulative count of pupils in homebound programs for informational purposes and is not used to calculate grants under this chapter. In a school corporation's informational cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction:

(1) for the December 1 count, up to and including the December 1 count date of the current year plus each pupil who received homebound instruction after the spring count date of the prior school year; and

(2) for the spring count, up to and including the spring count date of the current year plus each pupil who received homebound instruction after the December 1 count date of the current school year.

~~(b)~~ **(c)** A school corporation may include a pupil in the school corporation's cumulative count of pupils in homebound programs even if the pupil also is included in the school corporation's:

(1) nonduplicated count of pupils in programs for severe disabilities;

(2) nonduplicated count of pupils in programs for mild and moderate disabilities; or

(3) duplicated count of pupils in programs for communication disorders.".

Page 9, after line 39, begin a new paragraph and insert:

"SECTION 9. IC 31-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall **immediately** report or cause a report to be made **to:**

(1) the department; or

(2) the local law enforcement agency.

SECTION 10. IC 35-50-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Criminal Conviction Information for Teachers

Sec. 1. (a) If an individual is a teacher in a primary or secondary school, including a public or nonpublic school, and is convicted of:

(1) kidnapping (IC 35-42-3-2);
(2) criminal confinement (IC 35-42-3-3);
(3) rape (IC 35-42-4-1);
(4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
(5) child molesting (IC 35-42-4-3);
(6) child exploitation (IC 35-42-4-4(b));
(7) vicarious sexual gratification (IC 35-42-4-5);
(8) child solicitation (IC 35-42-4-6);
(9) child seduction (IC 35-42-4-7);
(10) sexual misconduct with a minor (IC 35-42-4-9);
(11) incest (IC 35-46-1-3);
(12) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
(13) dealing in methamphetamine (IC 35-48-4-1.1);
(14) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
(15) dealing in a schedule IV controlled substance (IC 35-48-4-3);
(16) dealing in a schedule V controlled substance (IC 35-48-4-4);
(17) dealing in a counterfeit substance (IC 35-48-4-5);
(18) dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10);
(19) dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013);
(20) possession of child pornography (IC 35-42-4-4(c));
(21) homicide (IC 35-42-1);
(22) voluntary manslaughter (IC 35-42-1-3);
(23) reckless homicide (IC 35-42-1-5);
(24) battery (IC 35-42-2-1) as:
(A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);
(B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or
(C) 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);
(25) aggravated battery (IC 35-42-2-1.5);
(26) robbery (IC 35-42-5-1);
(27) carjacking (IC 35-42-5-2) (before its repeal);
(28) arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));
(29) burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);
(30) attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or
(31) conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;

the judge who presided over the trial or accepted a plea

agreement shall give written notice of the conviction to the state superintendent and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) Notice under subsection (a) must occur not later than seven (7) days after the date the judgment is entered.

(c) The notification sent to a school or school district under subsection (a) must include only the felony for which the individual was convicted.

(d) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(e) After receiving a notification under subsection (a), the superintendent shall initiate procedures to revoke the individual's license to teach.

SECTION 11. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate study committee during the 2016 legislative interim the topics of ways to reduce school sexual misconduct violations and methods of improving the reporting requirements of sexual misconduct violations in schools.**

(b) This SECTION expires December 31, 2016.

SECTION 12. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 334 as reprinted February 2, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

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

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

"SECTION 1. IC 4-31-2-20.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.6. "Simulcast" means the communication by electronic device of a race at a recognized meeting and information related to the race, including:**

(1) a personal computer or other device which enables communication over the Internet;

(2) a private network;

(3) an interactive video display or television;

(4) a wireless communication technology; or

(5) an interactive computer service (as defined in IC 35-45-5-1(g)).".

Page 1, line 1, delete "IC 4-31-14" and insert "IC 4-33-24".

Page 1, line 4, delete "14." and insert "**24.**".

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"**Sec. 2. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.**".

Page 1, line 7, delete "2." and insert "**3.**".

Page 1, line 11, delete "3." and insert "**4.**".

Page 1, line 12, delete "10" and insert "**11**".

Page 1, line 13, delete "4." and insert "**5.**".

Page 2, line 4, delete "5." and insert "**6.**".

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

Page 2, line 12, delete "7." and insert "**8.**".

Page 2, line 17, delete "8." and insert "**9.**".

Page 2, between lines 34 and 35, begin a new line block indented and insert:

"**(5) All participants must pay, with cash or a cash equivalent, an entry fee to participate.**

(6) Unless authorized by the horse racing commission, established by IC 4-31-3-1, no winning outcome is based on the accumulated statistical results of a performance by an individual or horse:

(A) in a race or races at a recognized meeting (as defined in IC 4-31-2-20); or

(B) on the simulcast, as defined in IC 4-31-2-20.6, of a horse race or horse races.".

Page 2, line 35, delete "9." and insert "**10.**".

Page 2, line 39, delete "10." and insert "**11. (a)**".

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"**(b) The division shall maintain the integrity of the paid fantasy sports division. Game operators, game operator applicants, and licensees must encourage confidence in the commission and the division by maintaining high standards of honesty, integrity, and impartiality.**".

Page 2, line 41, delete "11." and insert "**12. (a) The division has the following powers and duties for purposes of administering, regulating, and enforcing the system of paid fantasy sports under this chapter:**

(1) All powers and duties in this chapter.

(2) All powers necessary and proper to fully and effectively execute this chapter.

(3) To investigate and reinvestigate applicants, game operators, and licensees with whom a game operator has entered into a contract under section 14 of this chapter.

(4) To investigate alleged violations of this chapter.

(5) To revoke, suspend, or renew licenses under this chapter.

(6) To take any reasonable or appropriate action to enforce this chapter.

(b)".

Page 2, delete line 42.

Page 3, delete lines 1 through 3.

Page 3, line 4, delete "(3)" and insert "**(1)**".

Page 3, line 6, delete "(4)" and insert "**(2)**".

Page 3, line 7, delete "(5)" and insert "**(3)**".

Page 3, line 10, delete "(6)" and insert "**(4)**".

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"**Sec. 13. (a) The division shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter, including rules for the following purposes:**

(1) Administering this chapter.

(2) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of paid fantasy sports.

(3) Establishing rules concerning the review of the permits or licenses necessary for a game operator, licensed facility, or licensee.

(4) Imposing penalties for noncriminal violations of this chapter.

(b) The division and the commission shall allow game operators who are operating in Indiana on March 31, 2016, to continue operating until they have received or have been denied a license.".

Page 3, line 11, delete "12." and insert "**14.**".

Page 3, line 17, delete "13." and insert "**15.**".

Page 3, line 22, delete "five" and insert "**seventy-five**".

Page 3, line 23, delete "($5,000)" and insert "**($75,000)**".

Page 3, line 25, delete "five" and insert "**twenty**".

Page 3, line 26, delete "($5,000)" and insert "**($20,000)**".

Page 3, line 31, delete "14." and insert "**16.**".

Page 4, delete lines 7 through 18, begin a new paragraph and

insert:

"**Sec. 17. (a) A licensee's license may be renewed annually upon a determination by the division that the licensee is in compliance with this chapter.**

(b) A licensee shall undergo a complete investigation every three (3) years to determine if the licensee is in compliance with this chapter.

(c) A licensee shall bear the cost of an investigation or reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.".

Page 4, line 19, delete "16." and insert "**18.**".

Page 4, line 21, delete "17." and insert "**19.**".

Page 4, line 24, delete "18." and insert "**20.**".

Page 4, line 30, delete "19." and insert "**21.**".

Page 4, line 34, delete "12" and insert "**14**".

Page 4, line 35, after "employee" insert "**,**".

Page 4, line 40, delete "12" and insert "**14**".

Page 5, line 3, delete "12" and insert "**14**".

Page 5, line 20, delete "20." and insert "**22.**".

Page 5, line 27, delete "21." and insert "**23.**".

Page 5, line 29, delete "22." and insert "**24.**".

Page 5, line 35, delete "23." and insert "**25.**".

Page 5, line 42, delete "24." and insert "**26.**".

Page 6, line 7, delete "25." and insert "**27.**".

Page 6, line 16, delete "26." and insert "**28.**".

Page 6, between lines 31 and 32, begin a new paragraph and insert:

"**Sec. 29. (a) This section applies beginning July 1, 2017.**

(b) The bureau shall provide information to a game operator or licensee concerning persons who are delinquent in child support.

(c) If a permit holder or trustee is required to file Form 1099 or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from paid fantasy sports, the game operator or licensee permit holder or trustee:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars ($100); and

(2) shall:

(A) withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the permit holder or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(d) The bureau shall notify the obligor at the address provided by the permit holder or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(e) The bureau shall hold the amount withheld from cash winnings of the obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(f) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (c)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

Sec. 30. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(c) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(d) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(e) For purposes of this section, a person is considered to have an interest in a game operator or licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the game operator or licensee.

(2) The person is an officer of the game operator or licensee.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the game operator or licensee.

(4) The person is a political action committee of the game operator or licensee.

(f) For purposes of this section, a game operator or licensee is considered to have made a contribution if a contribution is made by a person who has an interest in a game operator or licensee.

(g) A game operator or licensee or a person with an interest in a game operator or licensee may not make a contribution to a candidate or a committee during the period in which the game operator or licensee is engaged in paid fantasy sports.

(h) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 2. IC 6-3-4-8.2, AS AMENDED BY P.L.182-2009(ss), SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.2. (a) Each person in Indiana who is required under the Internal Revenue Code to withhold federal tax from winnings shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department.

(b) In addition to amounts withheld under subsection (a), every person engaged in a gambling operation (as defined in IC 4-33-2-10), ~~or~~ a gambling game (as defined in IC 4-35-2-5), **or paid fantasy sports game (as defined in IC 4-33-24-9)** and making a payment in the course of the gambling operation (as defined in IC 4-33-2-10), ~~or~~ a gambling game (as defined in IC 4-35-2-5), **or paid fantasy sports game (as defined in IC 4-33-24-9)** of:

(1) winnings (not reduced by the wager) valued at one thousand two hundred dollars ($1,200) or more from slot machine play; ~~or~~

(2) winnings (reduced by the wager) valued at one thousand five hundred dollars ($1,500) or more from a keno game; **or**

(3) winnings (reduced by the entry fee) valued at one thousand two hundred dollars ($1,200) or more from paid fantasy sports play;

shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department. The department's instructions must provide that amounts withheld shall be paid to the department before the close of the business day following the day the winnings are paid, actually or constructively. Slot machine and keno winnings from a gambling operation (as defined in IC 4-33-2-10) or a gambling game (as defined in IC 4-35-2-5) **and paid fantasy sports game winnings** that are reportable for federal income tax purposes shall be treated as subject to withholding under this section, even if federal tax withholding is not required.

(c) The adjusted gross income tax due on prize money or prizes:

(1) received from a winning lottery ticket purchased under IC 4-30; and

(2) exceeding one thousand two hundred dollars ($1,200) in value;

shall be deducted and retained at the time and in the amount described in withholding instructions issued by the department, even if federal withholding is not required.

(d) In addition to the amounts withheld under subsection (a), a qualified organization (as defined in IC 4-32.2-2-24(a)) that awards a prize under IC 4-32.2 exceeding one thousand two hundred dollars ($1,200) in value shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department. The department's instructions must provide that amounts withheld shall be paid to the department before the close of the business day following the day the winnings are paid, actually or constructively.

SECTION 3. IC 35-52-4-30.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 30.3. IC 4-33-24-30 defines a crime concerning contributions.**".

Page 6, line 34, delete "IC 4-31-14-26" and insert "**IC 4-33-24-28**".

Page 6, line 36, delete "IC 4-31-14." and insert "**IC 4-33-24.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 339 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 33, delete "county government's".

Page 3, line 33, after "site" insert "**of the county government or the county government's contractor**".

Page 3, line 34, delete "printed" and insert "**an alternative**".

Page 3, line 38, delete "county government".

Page 3, line 39, after "site" insert "**of the county government or the county government's contractor**".

Page 3, line 39, delete "in printed form" and insert "**may be obtained**".

Page 3, line 39, after "auditor" insert "**in an alternative form**".

Page 3, line 40, delete "request." and insert "**request in accordance with section 3.4 of this chapter.**".

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-24-3, AS AMENDED BY P.L.251-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.

(b) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by section 2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in section 2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(c) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by section 2 of this chapter by certified mail, return receipt requested, to any mortgagee, or purchaser under an installment land contract recorded in the office of the county recorder, who annually requests, by certified mail, a copy of the notice.

(d) The notices mailed under this section are considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

(e) For properties not sold at their initial tax sale, the county auditor may omit the descriptions of the tracts or items of real property specified in section 2(b)(1) and 2(b)(5) of this chapter for those properties when they come up for sale at subsequent tax sales if:

(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the ~~county government's~~ Internet web site **of the county government or the county government's contractor** and the information may be obtained in ~~printed~~ **an alternative** form from the county auditor upon request; and

(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time are made available on the ~~county government~~ Internet web site **of the county government or the county government's contractor** and ~~in printed form~~ **may be obtained** from the county auditor **in an alternative form** upon request **in accordance with section 3.4 of this chapter.**

SECTION 3. IC 6-1.1-24-3.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.4. (a) This section applies to a request for information in an alternative form under this chapter in those circumstances in which a county auditor or county executive may omit descriptions of tracts or items of real property from a published notice of sale or other transfer under this chapter if the county auditor or county executive, as applicable, makes the information available on the Internet web site of the county government or the county government's contractor and in an alternative form upon request.**

(b) A person who requests information in an alternative form concerning descriptions of tracts or items of real property to which this section applies may specify whether the person prefers to receive the information in an electronic format, on a digital storage medium, or in printed form. A county auditor or county executive, as applicable, who has a duty under this chapter to make the information available in an alternative form upon request shall furnish the information in the alternative form specified by the requesting person. The department of local government finance shall prescribe the allowable file formats when the information is requested in an electronic format or on a

digital storage medium.".

Page 5, delete lines 13 through 25, begin a new paragraph and insert:

"**(c) For properties identified under subsection (a) for which the certificates of sale are not sold when initially offered for sale under this section, the county executive may omit from the notice the descriptions of the tracts or items of real property under subsection (b)(1) and the associated minimum bids under subsection (b)(3) if:**

(1) the county executive includes in the notice a statement that descriptions of those tracts or items of real property are available on the Internet web site of the county government or the county government's contractor and the information may be obtained in an alternative form from the county executive upon request; and

(2) the descriptions of those tracts or items of real property for which a certificate of sale is eligible for sale under this section are made available on the Internet web site of the county government or the county government's contractor and may be obtained from the county executive in an alternative form upon request in accordance with section 3.4 of this chapter.".

Page 6, line 16, delete "county government's".

Page 6, line 16, after "site" insert "**of the county government or the county government's contractor**".

Page 6, line 17, delete "printed" and insert "**an alternative**".

Page 6, line 21, delete "county government".

Page 6, line 21, after "site" insert "**of the county government or the county government's contractor**".

Page 6, line 21, delete "in printed form" and insert "**may be obtained**".

Page 6, line 22, delete "upon request." and insert "**in an alternative form upon request in accordance with section 3.4 of this chapter.**".

Page 8, line 6, delete "county government's".

Page 8, line 6, after "site" insert "**of the county government or the county government's contractor**".

Page 8, line 7, delete "printed" and insert "**an alternative**".

Page 8, line 11, delete "county government".

Page 8, line 11, after "site" insert "**of the county government or the county government's contractor**".

Page 8, line 11, delete "in printed form" and insert "**may be obtained**".

Page 8, line 12, delete "upon request." and insert "**in an alternative form upon request in accordance with section 3.4 of this chapter.**".

Page 9, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-24-7, AS AMENDED BY P.L.251-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) When real property is sold under this chapter, the purchaser at the sale shall immediately pay the amount of the bid to the county treasurer. The county treasurer shall apply the payment in the following manner:

(1) first, to the taxes, special assessments, penalties, and costs described in section 5(e) of this chapter;

(2) second, to other delinquent property taxes in the manner provided in IC 6-1.1-23-5(b); and

(3) third, to a separate "tax sale surplus fund".

(b) For any tract or item of real property for which a tax sale certificate is sold under this chapter, if taxes or special assessments, or both, become due on the tract or item of real property during the period of redemption specified under IC 6-1.1-25-4, the county treasurer may pay the taxes or special assessments, or both, on the tract or item of real property from the tax sale surplus held in the name of the taxpayer, if any, after the taxes or special assessments become due.

(c) The:

(1) owner of record of the real property at the time the ~~tax deed is issued who is divested of ownership by~~ **real property was certified for sale under this chapter and before** the issuance of a tax deed; or

(2) tax sale purchaser or purchaser's assignee, upon redemption of the tract or item of real property;

may file a verified claim for money which is deposited in the tax sale surplus fund. If the claim is approved by the county auditor and the county treasurer, the county auditor shall issue a warrant to the claimant for the amount due.

(d) If the person who claims money deposited in the tax sale surplus fund under subsection (c) is:

(1) a person **who has a contract or agreement described under section 7.5 of this chapter with a person** described in subsection (c)(1); ~~who acquired the property from a delinquent taxpayer after the property was sold at a tax sale under this chapter;~~ or

(2) a person ~~not described in subsection (c)(1), including a person~~ who acts ~~under~~ a ~~power of attorney executed by the~~ **as an executor, attorney-in-fact, or legal guardian of a** person described in subsection (c)(1);

the county auditor may issue a warrant to the person only as directed by the court having jurisdiction over the tax sale of the parcel for which the surplus claim is made.

(e) A court may direct the issuance of a warrant only:

(1) on petition by the claimant; ~~and~~

(2) within three (3) years after the date of sale of the parcel in the tax sale; **and**

(3) in the case of a petitioner to whom subsection (d)(1) applies, if the petitioner has satisfied the requirements of section 7.5 of this chapter.

(f) Unless the redemption period specified under IC 6-1.1-25 has been extended under federal bankruptcy law, an amount deposited in the tax sale surplus fund shall be transferred by the county auditor to the county general fund and may not be disbursed under subsection (c) if it is not claimed within the three (3) year period after the date of its receipt.

(g) If an amount applied to taxes under this section is later paid out of the county general fund to the purchaser or the purchaser's successor due to the invalidity of the sale, all the taxes shall be reinstated and recharged to the tax duplicate and collected in the same manner as if the property had not been offered for sale.

(h) When a refund is made to any purchaser or purchaser's successor by reason of the invalidity of a sale, the county auditor shall, at the December settlement immediately following the refund, deduct the amount of the refund from the gross collections in the taxing district in which the land lies and shall pay that amount into the county general fund.

SECTION 8. IC 6-1.1-24-7.5, AS ADDED BY P.L.73-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) ~~For purposes of~~ **As used in** this section, "property owner" refers to the owner of record of real property at the time the ~~tax deed is issued and who is divested of ownership by the issuance of the tax deed.~~ **real property was certified for sale under this chapter and before issuance of the tax deed.**

(b) If a property owner enters into an agreement on or after May 1, 2010, that has the primary purpose of paying compensation to locate, deliver, recover, or assist in the recovery of money deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to real property as a result of a tax sale, the agreement is valid only if the agreement:

(1) requires payment of compensation of not more than ten percent (10%) of the amount collected from the tax sale surplus fund with respect to the real property, unless the amount collected is fifty dollars ($50) or less;

(2) is in writing;

(3) is signed by the property owner; and

(4) clearly sets forth:

(A) the amount deposited in the tax sale surplus fund under section 7(a)(3) of this chapter with respect to the real property; and

(B) the value of the property owner's share of the amount collected from the tax sale surplus fund with respect to the real property after the compensation is deducted.

(c) The attorney general and the attorney general's homeowner protection unit established under IC 4-6-12 shall enforce this section.

(d) The attorney general may maintain an action in a court with jurisdiction to enforce this section. A court in which an action is brought to enforce this section may do the following:

(1) Issue an injunction.

(2) Order restitution to an owner aggrieved by a violation of this section.

(3) Order a person that violates this section to reimburse the state for the reasonable costs of the attorney general's investigation and prosecution of the violation.

(4) Impose a civil penalty, in an amount determined by the court, on a person that violates this section.".

Page 10, line 8, delete "county government's".

Page 10, line 8, after "site" insert "**of the county government or the county government's contractor**".

Page 10, line 9, delete "printed" and insert "**an alternative**".

Page 10, line 10, delete "upon request;" and insert "**in an alternative form upon request in accordance with section 3.4 of this chapter;**".

Page 10, line 13, delete "county government".

Page 10, line 14, after "site" insert "**of the county government or the county government's contractor**".

Page 10, line 14, delete "in printed form" and insert "**may be obtained**".

Page 10, line 15, delete "upon request." and insert "**in an alternative form upon request in accordance with section 3.4 of this chapter.**".

Page 10, after line 29, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a)** Any person may redeem the tract or real property:

(1) sold; or

(2) for which the certificate of sale is sold under IC 6-1.1-24;

under IC 6-1.1-24 at any time before the expiration of the period of redemption specified in section 4 of this chapter by paying to the county treasurer the amount required for redemption under section 2 of this chapter.

(b) If a tract or real property to which subsection (a) applies is conveyed to a person before the expiration of the period of redemption and the person wishes to redeem the tract or real property, the person shall:

(1) redeem the tract or real property in accordance with section 2 of this chapter; and

(2) satisfy the requirements of IC 32-21-8-7.

SECTION 11. IC 6-1.1-25-2, AS AMENDED BY P.L.251-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The total amount of money required for the redemption of real property equals **the following amount, as applicable:**

(1) If a tract or item of real property is redeemed under section 4(c) of this chapter, the amount prescribed in subsection (g).

(2) If subdivision (1) does not apply and the real property is conveyed before the expiration of the period of redemption by the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24, the sum of:

(A) the amounts prescribed in subsections (b) through (f); and

(B) the amount held in the tax sale surplus fund.

The amount specified in clause (B) shall be deposited with the county treasurer and made payable to the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24.

~~(1)~~ **(3) If subdivisions (1) and (2) do not apply,** the sum of the amounts prescribed in subsections (b) through (f), reduced by any amount held ~~in the name of the taxpayer or purchaser~~ in the tax sale surplus fund. ~~or~~

~~(2) The amount prescribed in subsection (g).~~

(b) Except as provided in subsection (g), the total amount required for redemption includes:

(1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or

(2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if: the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus:

(1) five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs after June 30, 2014; or

(2) ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs before July 1, 2014.

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus:

(1) five percent (5%) per annum on those taxes and special assessments, if the date of sale occurs after June 30, 2014; or

(2) ten percent (10%) interest per annum on those taxes and special assessments, if the date of sale occurs before July 1, 2014.

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued and are delinquent after the sale.

(g) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (f), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 12. IC 6-1.1-36-7, AS AMENDED BY P.L.172-2011, SECTION 48, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The department of local government finance may cancel any property taxes, **delinquencies, fees, special assessments, and penalties** assessed against real property owned by a county, a township, a city, a town, or a body corporate and politic established under IC 8-10-5-2(a), **regardless of whether the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) owned the property on the assessment date for which the property taxes, delinquencies, fees, special assessments, or penalties are imposed and regardless of when the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) acquired the property,** if a petition requesting that the department cancel the taxes is submitted by the auditor, assessor, and treasurer of the county in which the real property is located. **However, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the county, township, city, town, or body corporate and politic established under IC 8-10-5-2(a) acquired the property.**

(b) The department of local government finance may cancel any property taxes, **delinquencies, fees, special assessments, and penalties** assessed against real property owned by this state, **regardless of whether the state owned the property on the assessment date for which the property taxes, delinquencies, fees, special assessments, or penalties are imposed and regardless of when the state acquired the property,** if a petition requesting that the department cancel the taxes is submitted by:

(1) the governor; or

(2) the chief administrative officer of the state agency which supervises the real property.

However, if the petition is submitted by the chief administrative officer of a state agency, the governor must approve the petition. **In addition, the cancellation of any property taxes, delinquencies, fees, special assessments, or penalties under this subsection does not affect the liability of any person that is personally liable for the property taxes before the date the state acquired the property.**

(c) If property taxes are canceled under subsection (a) or (b), any lien on the real property shall be released and canceled to the extent the lien covers any property taxes, delinquencies, fees, special assessments, or penalties that were assessed against the real property before or after the county, township, city, town, body corporate and politic established under IC 8-10-5-2(a), or state became the owner of the real property.

~~(c)~~ **(d)** The department of local government finance may compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against the fixed or distributable property owned by a bankrupt railroad, which is under the jurisdiction of:

(1) a federal court under 11 U.S.C. 1163;

(2) Chapter X of the Acts of Congress Relating to Bankruptcy (11 U.S.C. 701-799); or

(3) a comparable bankruptcy law.

~~(d)~~ **(e)** After making a compromise under subsection ~~(c)~~ **(d)** and after receiving payment of the compromised amount, the department of local government finance shall distribute to each county treasurer an amount equal to the product of:

(1) the compromised amount; multiplied by

(2) a fraction, the numerator of which is the total of the particular county's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad for the compromised years.

~~(e)~~ **(f)** After making the distribution under subsection ~~(d),~~ **(e),** the department of local government finance shall direct the auditors of each county to remove from the tax rolls the amount of all property taxes assessed against the bankrupt railroad for the compromised years.

~~(f)~~ **(g)** The county auditor of each county receiving money under subsection ~~(d)~~ **(e)** shall allocate that money among the county's taxing districts. The auditor shall allocate to each taxing district an amount equal to the product of:

(1) the amount of money received by the county under subsection ~~(d);~~ **(e);** multiplied by

(2) a fraction, the numerator of which is the total of the taxing district's property tax levies against the railroad for the compromised years, and the denominator of which is the total of all property tax levies against the railroad in that county for the compromised years.

~~(g)~~ **(h)** The money allocated to each taxing district shall be apportioned and distributed among the taxing units of that taxing district in the same manner and at the same time that property taxes are apportioned and distributed.

~~(h)~~ **(i)** The department of local government finance may, with the approval of the attorney general, compromise the amount of property taxes, together with any interest or penalties on those taxes, assessed against property owned by a person that has a case pending under state or federal bankruptcy law. Property taxes that are compromised under this section shall be distributed and allocated at the same time and in the same manner as regularly collected property taxes. The department of local government finance may compromise property taxes under this subsection only if:

(1) a petition is filed with the department of local government finance that requests the compromise and is signed and approved by the assessor, auditor, and treasurer of each county and the assessor of each township (if any) that is entitled to receive any part of the compromised taxes;

(2) the compromise significantly advances the time of payment of the taxes; and

(3) the compromise is in the best interest of the state and the taxing units that are entitled to receive any part of the compromised taxes.

~~(i)~~ **(j)** A taxing unit that receives funds under this section is not required to include the funds in its budget estimate for any budget year which begins after the budget year in which it receives the funds.

~~(j)~~ **(k)** A county treasurer, with the consent of the county auditor and the county assessor, may compromise the amount of property taxes, interest, or penalties owed in a county by an entity that has a case pending under Title 11 of the United States Code (Bankruptcy Code) by accepting a single payment that must be at least seventy-five percent (75%) of the total amount owed in the county.

SECTION 13. IC 32-21-2-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14. A county recorder may not record a document of conveyance to which IC 32-21-8-7 applies unless the document of conveyance has been endorsed by the auditor of the proper county under IC 36-2-11-14.**

SECTION 14. IC 32-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A tax sale surplus fund disclosure form must contain the following information:

(1) The name and address of the taxpayer transferring the property.

(2) The name and address of the person acquiring the property.

(3) The proposed date of transfer.

(4) The purchase price for the transfer.

(5) The date the property was sold at a tax sale under IC 6-1.1-24.

(6) The amount of the tax sale purchaser's bid that was deposited into the tax sale surplus fund under

IC 6-1.1-24-7.

(7) Proof from the county treasurer that the person acquiring the property has paid to the county treasurer the amount required under IC 6-1.1-25 for redemption of the property.

SECTION 15. IC 32-21-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) Before a county auditor may make the endorsement required by IC 36-2-11-14 on a document of conveyance for property to which this chapter applies, the person acquiring the property must:**

(1) redeem the property by paying to the county treasurer the total amount required under IC 6-1.1-25; and

(2) provide to the county auditor proof from the county treasurer that the person made the payment specified under subdivision (1).

(b) A conveyance of property to which this chapter applies is inoperable and void if the conveyance document is not recorded with the county recorder of the county where the property is located on or before the expiration of the redemption period specified under IC 6-1.1-25 for the property.

SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 355 as reprinted February 2, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

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

(Reference is to SB 357 as printed January 29, 2016.)

Committee Vote: Yeas 11, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 366, 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 20, delete "and".

Page 2, between lines 20 and 21, begin a new line double block indented and insert:

"**(B) the adoption by the county fiscal body of an ordinance in favor of the dissolution of the district; and**".

Page 2, line 21, delete "(B)" and insert "**(C)**".

Page 2, line 25, delete "IC 36-1-8-17.7(5);" and insert "**IC 36-1-8-17.7(b)(5);**".

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

"**(h) If a county, on June 30, 2017, is designated as a county solid waste management district or belongs to a joint solid waste management district, the expiration of subsection (a) does not affect the county solid waste management district or the county's membership in the joint solid waste management district. A solid waste management district established under subsection (a) (or under IC 13-9.5-2-1, before its repeal) continues in existence after June 30, 2017, unless the county takes action under subsection (f) concerning the solid waste management district. The expiration of subsection (a) does not affect:**

(1) any rights or liabilities accrued;

(2) any administrative or legal proceedings begun;

(3) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(4) any tax levies made or authorized;

(5) any fees collected;

(6) any funds established;

(7) any patents issued;

(8) the validity, continuation, or termination of any contracts or leases executed; or

(9) the validity of court decisions entered;

before July 1, 2017.

(i) A person who is:

(1) a member of the county executive; and

(2) an employee of a district;

may not cast a vote on an ordinance or in any other action concerning the dissolution of the district that employs the person.".

Page 4, line 24, reset in roman "adopt resolutions".

Page 4, line 24, after "resolutions" insert ".".

Page 4, reset in roman lines 25 through 26.

Page 4, line 27, reset in roman "or resolution.".

Page 4, line 27, delete "recommend the adoption of ordinances to the".

Page 4, delete line 28.

Page 7, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 3. IC 13-21-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) If a county withdraws from or the county executives of a joint district remove a county from a joint district, the county:

(1) before July 1, 2017, must:

~~(1)~~ **(A)** designate itself as a new county district;

~~(2)~~ **(B)** join one (1) or more other counties to form a new joint district; or

~~(3)~~ **(C)** join an existing joint district;

under the procedures set forth in IC 13-21-3; **or**

(2) after June 30, 2017, may:

(A) take one (1) of the actions set forth in subdivision (1); or

(B) adopt an ordinance under IC 13-21-3-1(f)(2)(C) exercising the right of the county:

(i) not to be designated as a county solid waste management district; and

(ii) not to be a member of another joint solid waste management district.

(b) If a county:

(1) designates itself as a new county district; or

(2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.".

Renumber all SECTIONS consecutively.

(Reference is to SB 366 as reprinted January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Senate Bill 378, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 378 as printed January 26, 2016.)

Committee Vote: Yeas 9, Nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 383, 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 38, delete "11 or 12" and insert "**12 or 13**".

Page 3, between lines 35 and 36, begin a new paragraph and insert:

"**Sec. 11. (a) A system integrity adjustment may not exceed the product of an eligible utility's adjustment amount multiplied by ninety-four hundredths (0.94).**

(b) For purposes of the credit or recovery of an adjustment amount, a system integrity adjustment must be allocated only to an eligible utility's non-industrial rate classes.".

Page 3, line 36, delete "11." and insert "**12.**".

Page 4, line 27, delete "12." and insert "**13.**".

Page 4, line 29, delete "11(d)" and insert "**12(d)**".

Page 4, line 34, delete "11" and insert "**12**".

Page 5, line 2, delete "13." and insert "**14.**".

Page 5, line 7, delete "14." and insert "**15.**".

Page 5, line 8, delete "12" and insert "**13**".

Page 5, line 16, delete "11" and insert "**12**".

Page 5, line 17, delete "15." and insert "**16.**".

Page 5, line 18, delete "11 or 12" and insert "**12 or 13**".

Page 5, line 20, delete "16." and insert "**17.**".

Page 5, line 27, delete "17." and insert "**18.**".

(Reference is to SB 383 as reprinted February 2, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 24, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 24 as printed February 4, 2016.)

Committee Vote: Yeas 13, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 28 as printed February 10, 2016.)

Committee Vote: Yeas 13, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 33, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HC 33 as printed February 12, 2016.)

Committee Vote: Yeas 13, Nays 0.

SOLIDAY, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1 , the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 21, 23, 45, 126, 147, 167, 173, 189, 238, 300 and 350.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1102.

STEUERWALD

Roll Call 238: yeas 93, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1169.

SAUNDERS

Roll Call 239: yeas 93, nays 0. Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1012 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KOCH

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:13 p.m. with the Speaker in the Chair.

Representative Behning and Eberhart, who had been excused, are now present. Representative Burton is excused.

Upon request of Representative Austin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 240: 69 present. The Speaker declared a quorum present.

With consent of the members, the Speaker returned to bills on second reading

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 80

Representative Smaltz called down Engrossed Senate Bill 80 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 80–1)

Mr. Speaker: I move that Engrossed Senate Bill 80 be amended to read as follows:

Page 7, line 12, after "individual." insert "**The pharmacist commits a discriminatory practice if the pharmacist's professional determination is based on the race, religion, color, sex, sexual orientation, gender identity, disability, national origin, veteran status, or ancestry of the individual.**".

Page 7, line 24, delete "negligence or" and insert "**negligence,**".

Page 7, line 25, delete "misconduct." and insert "**misconduct, or a discriminatory practice.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 80 as printed February 23, 2016.)

PELATH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 241: yeas 31, nays 59. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 93

Representative Behning called down Engrossed Senate Bill 93 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 93–8)

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 7, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 1. IC 20-24-3-5.5, AS AMENDED BY P.L.221-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. (a) This section applies to an authorizer that is not the executive of a consolidated city.

(b) Before issuing a charter, the authorizer must conduct a public hearing concerning the establishment of the proposed charter school. The public hearing must be held within ~~either the county or~~ the school corporation where the proposed charter school would be located. **If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.** At the public hearing, the governing body of the school corporation in which the proposed charter school will be located must be given an opportunity to comment on the effect of the proposed charter school on the school corporation, including any foreseen negative impacts on the school corporation.".

Page 8, line 8, strike "county" and insert "**school corporation**".

Page 8, line 8, after "located." insert "**If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.**".

Page 8, line 31, delete "county" and insert "**school corporation**".

Page 8, line 31, after "located." insert "**If the location of the proposed charter school has not been identified, the public hearing must be held within the county where the proposed charter school would be located.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 93–4)

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 16, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) The definitions used in IC 20 apply throughout this SECTION.**

(b) A panel is established to study alternatives to the ISTEP program tests and to make recommendations for replacing the ISTEP program under IC 20-32-5. The panel shall submit its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, the general assembly not later than December 1, 2016. The panel shall consider the following when making its recommendations:

(1) The feasibility of using existing tests other than the ISTEP program tests, as well as new testing approaches.

(2) Reducing testing time.

(3) Reducing costs associated with the administration of a statewide assessment.

(4) Test transparency and fairness to schools, teachers, and students.

(5) The requirements of the Every Student Succeeds Act.

(c) The panel consists of the following twenty-two (22) members:

(1) The superintendent of public instruction who serves as a co-chairperson of the panel.

(2) The commissioner of the department of workforce development.

(3) The commissioner of the commission for higher education.

(4) The chairperson of the senate education and career development committee.

(5) The chairperson of the house of representatives education committee.

(6) The governor shall appoint the following five (5) members:

(A) One (1) member who serves as a co-chairperson of the panel. The member appointed as co-chairperson of the panel must be a current or former educator or school administrator.

(B) One (1) member who is a teacher.

(C) One (1) member who is a principal.

(D) One (1) member who is a school superintendent.

(E) One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.

(7) The president pro tempore of the senate shall appoint the following four (4) members:

(A) One (1) member who is a teacher.

(B) One (1) member who is a principal.

(C) One (1) member who is a school superintendent.

(D) One (1) member with technical expertise in standardized testing.

(8) The speaker of the house of representatives shall appoint the following four (4) members:

(A) One (1) member who is a teacher.

(B) One (1) member who is a principal.

(C) One (1) member who is a school superintendent.

(D) One (1) member with technical expertise in standardized testing.

(9) The superintendent of public instruction shall appoint the following four (4) members:

(A) One (1) member who is a teacher.

(B) One (1) member who is a principal.

(C) One (1) member who is a school superintendent.

(D) One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.

(d) Members appointed under subsection (c) shall be appointed by the member's respective appointing authority not later than May 1, 2016. Each member appointed under subsection (c) serves at the will of the member's appointing authority.

(e) A quorum of the panel consists of twelve (12) members.

(f) The panel shall meet at the call of both co-chairpersons.

(g) The legislative services agency shall provide administrative support for the panel. The state board and the department shall provide research and technical assistance for the panel.

(h) Each member of the panel who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Meetings of the panel must comply with IC 5-14-1.5.

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

AUSTIN

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 93 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 93–6)

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 8, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 12. IC 20-26-2-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.3. "Expanded child protection index check" means:**

(1) an inquiry with the department of child services as to whether an individual has been the subject of a substantiated report of child abuse or neglect and is listed in the child protection index established under IC 31-33-26-2;

(2) an inquiry with the child welfare agency of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether there are any substantiated reports that the individual has committed child abuse or neglect; and

(3) for a certificated employee, an inquiry with the department of education or other entity that may issue a teacher license of each state in which the individual has resided since the individual became eighteen (18) years of age as to whether the individual has ever had a teaching license suspended or revoked.

SECTION 13. IC 20-26-5-10, AS AMENDED BY P.L.121-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. **(a) This section applies to a:**

(1) school corporation;

(2) charter school; or

(3) nonpublic school that employs one (1) or more employees.

~~(a)~~ **(b)** A school corporation, including a charter school and ~~an accredited~~ **a** nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) employment with the school corporation, **charter school, or nonpublic school;** or

(B) employment with an entity with which the school corporation, **charter school, or nonpublic school** contracts for services;

(2) seek to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school;** or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, **charter school, or nonpublic school;**

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

~~(b)~~ **(c)** A school corporation, including a charter school and ~~an accredited~~ **a** nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or ~~accredited~~ nonpublic school conduct an expanded criminal history check **and an expanded child protection index check** concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or ~~accredited~~ nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or ~~accredited~~ nonpublic school to request an expanded criminal history check **and an expanded child protection index check** concerning the individual before or not later than three (3) months after the individual's employment by the school corporation **or school.** The school corporation, charter school, or ~~accredited~~ nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check **and expanded child protection index check.** Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check **and expanded child protection index check.** The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check **and expanded child protection index check.** An applicant may not be required by a school corporation, charter school, or ~~accredited~~ nonpublic school to obtain an expanded criminal history check **or an expanded child protection index check** more than one (1) time during a five (5) year period.

~~(c)~~ **(d)** Information obtained under this section must be used in accordance with law.

SECTION 3. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

(1) a school corporation;

(2) a charter school; and

(3) an entity:

(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

(1) Murder (IC 35-42-1-1).
(2) Causing suicide (IC 35-42-1-2).
(3) Assisting suicide (IC 35-42-1-2.5).
(4) Voluntary manslaughter (IC 35-42-1-3).
(5) Reckless homicide (IC 35-42-1-5).
(6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(7) Aggravated battery (IC 35-42-2-1.5).
(8) Kidnapping (IC 35-42-3-2).
(9) Criminal confinement (IC 35-42-3-3).
(10) A sex offense under IC 35-42-4.
(11) Carjacking (IC 35-42-5-2) (repealed).
(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(13) Incest (IC 35-46-1-3).
(14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(15) Child selling (IC 35-46-1-4(d)).
(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation if during the course of the individual's employment the individual is the subject of a substantiated report of child abuse or neglect.

SECTION 4. IC 20-26-5-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.5. (a) As used in this section, "school" includes:**

(1) a charter school, as defined in IC 20-24-1-4;
(2) a nonpublic school, as defined in IC 20-18-2-12, that employs one (1) or more employees;
(3) a public school, as defined in IC 20-18-2-15(1); and
(4) an entity in another state that carries out a function similar to an entity described in subdivisions (1) through (3).

(b) Notwithstanding any confidentiality agreement entered into by a school and an employee of the school, a school that receives a request for an employment reference, from another school, for a current or former employee, shall disclose to the requesting school any incident known by the school in which the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

(c) A school may not disclose information under this section that:

(1) identifies a student; or
(2) is confidential student information under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(d) A confidentiality agreement entered into or amended after June 30, 2016, by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.".

Page 14, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 21. IC 31-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If an individual is required to make a report under this article in the individual's capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, the individual shall immediately notify the individual in charge of the institution, school, facility, or agency or the designated agent of the individual in charge of the institution, school, facility, or agency.

(b) An individual notified under subsection (a) shall **immediately** report or cause a report to be made **to:**

(1) the department; or
(2) the local law enforcement agency.

SECTION 22. IC 35-50-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Criminal Conviction Information for Teachers

Sec. 1. (a) If an individual is a teacher in a primary or secondary school, including a public or nonpublic school, and is convicted of:

(1) kidnapping (IC 35-42-3-2);
(2) criminal confinement (IC 35-42-3-3);
(3) rape (IC 35-42-4-1);
(4) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
(5) child molesting (IC 35-42-4-3);
(6) child exploitation (IC 35-42-4-4(b));
(7) vicarious sexual gratification (IC 35-42-4-5);
(8) child solicitation (IC 35-42-4-6);
(9) child seduction (IC 35-42-4-7);
(10) sexual misconduct with a minor (IC 35-42-4-9);

(11) incest (IC 35-46-1-3);
(12) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
(13) dealing in methamphetamine (IC 35-48-4-1.1);
(14) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
(15) dealing in a schedule IV controlled substance (IC 35-48-4-3);
(16) dealing in a schedule V controlled substance (IC 35-48-4-4);
(17) dealing in a counterfeit substance (IC 35-48-4-5);
(18) dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10);
(19) dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013);
(20) possession of child pornography (IC 35-42-4-4(c));
(21) homicide (IC 35-42-1);
(22) voluntary manslaughter (IC 35-42-1-3);
(23) reckless homicide (IC 35-42-1-5);
(24) battery (IC 35-42-2-1) as:
(A) a Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014);
(B) a Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014); or
(C) 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);
(25) aggravated battery (IC 35-42-2-1.5);
(26) robbery (IC 35-42-5-1);
(27) carjacking (IC 35-42-5-2) (before its repeal);
(28) arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a));
(29) burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1);
(30) attempt under IC 35-41-5-1 to commit an offense listed in this subsection; or
(31) conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection;

the judge who presided over the trial or accepted a plea agreement shall give written notice of the conviction to the state superintendent and the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is employed in a public school, the superintendent of the school district in which the individual is employed.

(b) Notice under subsection (a) must occur not later than seven (7) days after the date the judgment is entered.

(c) The notification sent to a school or school district under subsection (a) must include only the felony for which the individual was convicted.

(d) If a judge later modifies the individual's sentence after giving notice under this section, the judge shall notify the school or the school district of the modification.

(e) After receiving a notification under subsection (a), the superintendent shall initiate procedures to revoke the individual's license to teach.

SECTION 23. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate study committee during the 2016 legislative interim the topics of ways to reduce school sexual misconduct violations and methods of improving the reporting requirements of sexual misconduct violations in schools.**

(b) This SECTION expires December 31, 2016.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

AUSTIN

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 93 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that Representative Austin's amendment (93–6) violates House Rule 118. The amendment was filed on February 25, 2016 at 7:26 a.m. At that time, there was no bill pending in the House. The language in the amendment (93-6) was added in a committee report for another bill after the filing of Representative Austin's amendment (93-6).

AUSTIN
PIERCE

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 242: yeas 65, nays 28. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 93–5)

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 7. IC 20-24-2-2, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a)** A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

(1) Disability.
(2) Race.
(3) Color.
(4) Gender.
(5) National origin.
(6) Religion.
(7) Ancestry.
(8) Sexual orientation.
(9) Gender identity.
(10) Veteran status.

(b) It is the public policy of the state to provide all charter school students and employees equal opportunity for education and employment and to eliminate segregation or separation based solely on sexual orientation, gender identity, or veteran status, since such segregation is an impediment to equal opportunity. The practice of denying these rights to such persons is contrary to the principles of freedom and equality of opportunity and shall be considered as discriminatory practices.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

PELATH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 243: yeas 35, nays 58. Motion failed.

HOUSE MOTION
(Amendment 93–9)

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 16, between lines 7 and 8, begin a new line block indented and insert:

"**(6) The effect of the time at which students start the**

school day, including impacts on student safety, student achievement, and lost instruction time for students.".

(Reference is to ESB 93 as printed February 23, 2016.)

THOMPSON

Motion failed.

Representatives Carbaugh and Cherry are excused.

HOUSE MOTION
(Amendment 93–7)

Mr. Speaker: I move that House Bill 93 be amended to read as follows:

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 16-41-21.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 21.1. Testing of Water in School Buildings

Sec. 1. As used in this chapter, "school building" means any building used for the classroom instruction of students in any grade from kindergarten through grade 12. The term includes buildings used by all public schools and private schools.

Sec. 2. Every school building shall be supplied with safe, potable water from:

(1) a source; and

(2) a distribution system;

approved by the commissioner of the department of environmental management, the state health commissioner, or the local board of health or county health officer having jurisdiction where the school building is located.

Sec. 3. (a) At least once in each period of two (2) calendar years, the water available in each school building for drinking purposes shall be tested to ensure that it is healthful and free of contaminants, including lead, that could be injurious to human health.

(b) The testing required by subsection (a) shall be conducted by:

(1) the commissioner of the department of environmental management;

(2) the state health commissioner; or

(3) the local board of health or county health officer having jurisdiction where the school building is located.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 93 as printed February 23, 2016.)

BARTLETT

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 244: yeas 88, nays 5. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 109

Representative Eberhart called down Engrossed Senate Bill 109 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 109–1)

Mr. Speaker: I move that Engrossed Senate Bill 109 be amended to read as follows:

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

"SECTION 1. IC 14-8-2-37.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.6. "Cervidae" ~~for purposes of IC 14-22-20.5, has the meaning set forth in IC 14-22-20.5-1.~~ **means members of the cervidae family, including deer, elk, moose, reindeer, and caribou.**".

Page 2, line 16, delete "." and insert "**that are maintained as part of a cervidae livestock operation under IC 15-17-14.5.**".

Page 2, line 19, delete "This article does not apply to legally" and insert "**(a) This section does not apply to the following:**

(1) A conservation officer or other law enforcement officer while in the performance of the officer's duties.

(2) A person who takes a cervidae, a game animal that is a mammal, or an exotic mammal under the conditions of a permit issued under IC 14-22-28.

(3) A person who is authorized by the department under extraordinary circumstances to take a cervidae, a game animal that is a mammal, or an exotic mammal.

(4) A cervidae, a game animal that is a mammal, or an exotic mammal that has been legally trapped.

(b) A person may not kill or attempt to kill a cervidae, a game animal that is a mammal, or an exotic mammal with a firearm, bow and arrow, or crossbow if the animal is tied, caged, or intentionally confined in a manmade enclosure, regardless of the size of the enclosure.".

Page 2, delete lines 20 through 35.

Page 2, delete lines 38 through 41.

Page 3, line 40, delete "and IC 15-17-14.7," and insert "**,**".

Delete page 4.

Page 5, delete lines 1 through 16.

Page 5, delete lines 37 through 42.

Delete pages 6 through 9.

Page 10, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to ESB 109 as printed February 23, 2016.)

ERRINGTON

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 245: yeas 32, nays 61. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 140

Representative Clere called down Engrossed Senate Bill 140 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 161

Representative Frizzell called down Engrossed Senate Bill 161 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 161–2)

Mr. Speaker: I move that Engrossed Senate Bill 161 be amended to read as follows:

Page 1, delete lines 1 through 4.

Page 3, line 10, delete "drug related".

Page 3, line 10, after "information" insert "**for each felony described in IC 35-48-4-14.5(h)(1)**".

Page 3, line 11, delete "drug related".

Page 3, line 12, after "felony" insert "**described in IC 35-48-4-14.5(h)(1)**".

Page 3, line 19, delete "drug".

Page 3, line 20, delete "related".

Page 3, line 24, delete "drug related".

Page 3, delete lines 39 through 42.

Delete pages 4 through 6.

Page 7, delete lines 1 through 13.

Page 10, line 11, delete "drug related".

Renumber all SECTIONS consecutively.

(Reference is to ESB 161 as printed February 23, 2016.)

FRIZZELL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 187

Representative McNamara called down Engrossed Senate Bill 187 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 187–1)

Mr. Speaker: I move that Engrossed Senate Bill 187 be amended to read as follows:

Page 1, line 4, after "IC 16-22-8" delete ",".

Page 4, between lines 28 and 29, begin a new line block indented and insert:

"**(4) Submit an annual report to the state department containing the:**

(A) number of sales of the overdose intervention drug dispensed;

(B) dates of sale of the overdose intervention drug dispensed; and

(C) any additional information requested by the state department.".

Page 4, delete lines 37 through 42.

Delete pages 5 through 8.

(Reference is to ESB 187 as printed February 23, 2016.)

MCNAMARA

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 232

Representative Price called down Engrossed Senate Bill 232 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 232–1)

Mr. Speaker: I move that Engrossed Senate Bill 232 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 6-3-3-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) This section applies only to taxable years beginning after December 31, 2016.**

(b) The following definitions apply throughout this section:

(1) "Gift" includes a partial gift.

(2) "Land bank" has the meaning set forth in IC 36-7-38-1.

(c) Each taxable year, an individual or other entity is entitled to a credit against the individual's or other entity's adjusted gross income tax liability imposed under this article for each gift of real property made by the taxpayer to a land bank during the taxable year in an amount equal to twenty-five percent (25%) of the taxpayer's federal adjusted basis in the real property on the date of the gift.

(d) If a pass through entity is entitled to a credit under this section for a taxable year, the credit shall be allocated to each partner, member, or shareholder of the pass through entity in an amount equal to:

(1) the amount of the credit for the taxable year; multiplied by

(2) the distributive share of the pass through entity's income to which the partner, member, or shareholder is entitled.

(e) The amount of the credit provided by this section that exceeds the taxpayer's adjusted gross income tax liability for the taxable year in which the gift is made may not be refunded to the taxpayer or carried forward to a future taxable year.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 232 as printed February 23, 2016.)

RIECKEN

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Riecken withdrew the motion.

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

Engrossed Senate Bill 279

Representative Truitt called down Engrossed Senate Bill 279 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 279–1)

Mr. Speaker: I move that Engrossed Senate Bill 279 be amended to read as follows:

Page 11, delete lines 21 through 42.

Page 12, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to ESB 279 as printed February 23, 2016.)

COOK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 305

Representative Frizzell called down Engrossed Senate Bill 305 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 305–1)

Mr. Speaker: I move that Engrossed Senate Bill 305 be amended to read as follows:

Page 10, line 12, after "IC 31-34-1-3" insert "**or IC 31-34-1-3.5**".

Page 10, line 15, after "IC 31-34-1-3" insert "**or IC 31-34-1-3.5**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 305 as printed February 23, 2016.)

FRIZZELL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 347

Representative Wolkins called down Engrossed Senate Bill 347 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 362

Representative Cox called down Engrossed Senate Bill 362 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 362–1)

Mr. Speaker: I move that Engrossed Senate Bill 362 be amended to read as follows:

Page 3, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 3. IC 10-17-2-4, AS ADDED BY P.L.174-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) As used in this section, "photographic identification" means an identification document that:

(1) shows the name of the individual to whom the document was issued;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date indicating that the document has not expired; and

(4) was issued by the United States or ~~the state of Indiana.~~ **a state or territory of the United States.**

(b) A discharge record is not a public record under IC 5-14-3. A county recorder may provide a certified copy of a discharge record only to the following persons:

(1) The veteran who is the subject of the discharge record if the veteran provides photographic identification.

(2) A person who provides photographic identification that identifies the person as a county or city service officer.

(3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.

(4) A person who:

(A) is a funeral director licensed under IC 25-15; and

(B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.

(6) The following persons, ~~under a court order,~~ if the person provides photographic identification: ~~and a certified copy of the court order:~~

(A) The attorney in fact of the person who is the subject of the discharge record, **if the attorney in fact provides a copy of the power of attorney.**

(B) The guardian of the person who is the subject of the discharge record, **if the guardian of the person provides a copy of the court order appointing the guardian of the person.**

(C) ~~If the person who is the subject of the discharge record is deceased,~~ The personal representative of the estate of the deceased, **if the person who is the subject of the discharge record is deceased and the personal representative of the estate provides a copy of the court order appointing the personal representative of the estate.**

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.".

Delete page 4.

Renumber all SECTIONS consecutively.

(Reference is to ESB 362 as printed February 23, 2016.)

COX

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 380

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

HOUSE MOTION
(Amendment 380–2)

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

Page 3, line 21, after "communication." insert "**The policy must be approved by the unit that created the commission.**".

Page 5, line 10, after "communication." insert "**The policy must be approved by the county legislative body.**".

(Reference is to ESB 380 as printed February 23, 2016.)

RIECKEN

Motion failed. The bill was ordered engrossed.

Representative Wolkins is excused.

ENGROSSED SENATE JOINT RESOLUTIONS ON SECOND READING

Engrossed Senate Joint Resolution 14

Representative Koch called down Engrossed Senate Joint Resolution 14 for second reading. The joint resolution was read a second time by title.

HOUSE MOTION
(Amendment SJ14–1)

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

Page 1, line 6, delete "and".

Page 1, line 7, delete "." and insert ", limit the rights protected by the Constitution of the United States to natural persons only, and prevent the judiciary from construing the spending of money to influence elections to be speech under the First Amendment.".

(Reference is to ESJR 14 as printed February 23, 2016.)

PIERCE

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 246: yeas 31, nays 62. Motion failed. The joint resolution was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 206

Representative Kirchhofer called down Engrossed Senate Bill 206 for third reading:

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

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

Roll Call 247: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1201.

KARICKHOFF

Roll Call 248: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1359.

MORRIS

Roll Call 249: yeas 93, nays 0. Motion prevailed.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1233 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

OLTHOFF

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Page 3, delete lines 3 through 16, begin a new line block indented and insert:

"**(4) Use the lesser of:**

(A) the base rate determined after applying subdivisions (1) through (3); or

(B) the base rate for the previous year increased by one percent (1%).".

Page 5, line 3, after "2015" insert "**and 2016**".

Page 5, line 3, strike "date," and insert "**dates,**".

Page 5, line 5, strike "For the 2016".

Page 5, line 6, strike "assessment date,".

Page 5, line 6, strike "the statewide".

Page 5, strike lines 7 through 11.

Page 6, delete lines 17 through 42.

Page 7, delete lines 1 through 9.

Page 9, delete lines 16 through 39, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-10-15, AS AMENDED BY P.L.119-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) The acquisition and improvement of land for use by the public as an airport and the maintenance of commercial passenger aircraft is a municipal purpose regardless of whether the airport or maintenance facility is owned or operated by a municipality. The owner of any airport located in this state, who holds a valid and current public airport certificate issued by the Indiana department of transportation, may claim an exemption for only so much of the land as is reasonably necessary to and used for public airport purposes. A person maintaining commercial passenger aircraft in a county having a population of:

(1) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); or

(2) more than three hundred thousand (300,000) but less than four hundred thousand (400,000);

may claim an exemption for commercial passenger aircraft not subject to the aircraft excise tax under IC 6-6-6.5 that is being assessed under this article, if it is located in the county only for the purposes of maintenance.

(b) The exemption provided by this section is noncumulative and applies only to property that would not otherwise be exempt. Nothing contained in this section applies to or affects any other tax exemption provided by law.

(c) As used in this section, "land used for public airport purposes" includes the following:

(1) That part of airport land used for the taking off or landing of aircraft, taxiways, runway and taxiway lighting, access roads, auto and aircraft parking areas, and all buildings providing basic facilities for the traveling public.

(2) Real property owned by the airport owner and used ~~directly~~ for airport operation and maintenance purposes, **which includes the following property:**

(A) Leased property.

(B) Runway protection zones.

(C) Avigation easements.

(D) Safety and transition areas, as specified in IC 8-21-10 concerning the regulation of tall structures and 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.

(E) Land purchased using funds that include grant money provided by the Federal Aviation Administration or the Indiana department of transportation.

(3) Real property used in providing for the shelter, storage, or care of aircraft, including hangars.

(4) Housing for weather and signaling equipment, navigational aids, radios, or other electronic equipment.

The term does not include land areas used solely for purposes unrelated to aviation.

SECTION 12. IC 6-1.1-12-26.2, AS ADDED BY P.L.117-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26.2. (a) The following definitions apply throughout this section:

(1) "Barn" means a building (other than a dwelling) that was designed to be used for:

(A) housing animals;

(B) storing or processing crops;

(C) storing and maintaining agricultural equipment; or

(D) serving an essential or useful purpose related to agricultural activities conducted on the adjacent land.

(2) "Heritage barn" means a barn that on the assessment date:

(A) was constructed before 1950; **and**

(B) retains sufficient integrity of design, materials, and construction to clearly identify the building as a barn.

~~(C) is not being used for agricultural purposes in the operation of an agricultural enterprise; and~~

~~(D) is not being used for a business purpose.~~

(3) "Eligible applicant" means:

(A) an owner of a heritage barn; or

(B) a person that is purchasing property, including a heritage barn, under a contract that:

(i) gives the person a right to obtain title to the property upon fulfilling the terms of the contract;

(ii) does not permit the owner to terminate the contract as long as the person buying the property complies with the terms of the contract;

(iii) specifies that during the term of the contract the person must pay the property taxes on the property; and

(iv) has been recorded with the county recorder.

(b) An eligible applicant is entitled to a deduction against the assessed value of the structure and foundation of a heritage barn beginning with assessments after 2014. The deduction is equal to one hundred percent (100%) of the assessed value of the structure and foundation of the heritage barn.

(c) An eligible applicant that desires to obtain the deduction provided by this section must file a certified deduction application with the auditor of the county in which the heritage barn is located. The application may be filed in person or by mail. The application must contain the information and be in the form prescribed by the department of local government finance. If mailed, the mailing must be postmarked on or before the last day for filing.

(d) Subject to subsection (e) and section 45 of this chapter, the application must be filed during the year preceding the year in which the deduction will first be applied. Upon verification of the application **and that the barn was constructed before 1950** by the county assessor of the county in which the property is subject to assessment or by the township assessor of the township in which the property is subject to assessment (if there is a township assessor for the township), the auditor of the county shall allow the deduction.

(e) The auditor of a county shall, in a particular year, apply the deduction provided under this section to the heritage barn of the owner that received the deduction in the preceding year unless the auditor of the county determines that the property is no longer eligible for the deduction **because the barn was not constructed before 1950.** A person that receives a deduction under this section in a particular year and that remains eligible for the deduction in the following year is not required to file an application for the deduction in the following year. A person that receives a deduction under this section in a particular year and that becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the property is located of the ineligibility in the year in which the person becomes ineligible. A deduction under this section terminates following a change in ownership of the heritage barn. However, a deduction under this section does not terminate following the

removal of less than all the joint owners of property or purchasers of property under a contract described in subsection (a).

(f) A county fiscal body may adopt an ordinance to require a person receiving the deduction under this section to pay an annual public safety fee for each heritage barn for which the person receives a deduction under this section. The fee may not exceed fifty dollars ($50). The county auditor shall distribute any public safety fees collected under this section equitably among the police and fire departments in whose territories each heritage barn is located. If a county fiscal body adopts an ordinance under this subsection, the county fiscal body shall furnish a copy of the ordinance to the department in the manner prescribed by the department.".

Page 9, line 42, after "body" insert "**may adopt an ordinance to provide that the county assessor be reimbursed for certain costs incurred by the county assessor in defending an appeal under this chapter that is uncommon and infrequent in the normal course of defending appeals under this chapter. Costs include appraisal and expert witness fees incurred in defending an appeal.**

(b) The ordinance must specify:

(1) the appeal or appeals and why they are uncommon and infrequent;

(2) a detailed list of expenses incurred by fund and by parcel number; and

(3) that the county auditor will deduct the expenses listed in the ordinance from property tax receipts collected in the taxing district in which the parcel is located before apportioning receipts to taxing units for the next semiannual settlement under IC 6-1.1-27.

(c) Property tax receipts that are collected under this section must be deposited in the county fund that incurred the initial expense.".

Delete pages 10 through 19, begin a new paragraph and insert:

"SECTION 13. IC 6-1.1-18.5-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25. (a) The ad valorem property tax levy limits imposed under section 3 of this chapter do not apply to a municipality in a year if all of the following apply:**

(1) The percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year is at least two (2) times the statewide average assessed value growth quotient determined under section 2 of this chapter for the preceding year.

(2) The municipality had a population of at least twenty thousand (20,000).

(3) The municipality's population increased by at least two hundred percent (200%) between the last two (2) decennial censuses.

(b) A municipality that meets all of the requirements under subsection (a) may increase its ad valorem property tax levy in excess of the limits imposed under section 3 of this chapter by a percentage equal to the lesser of:

(1) the percentage growth in the municipality's assessed value for the preceding year compared to the year before the preceding year; or

(2) six percent (6%).

(c) A municipality's assessed value growth that results from either annexation or the pass through of assessed value from a tax increment financing district may not be included for the purposes of determining a municipality's assessed value growth under this section.

(d) This section applies to property tax levies imposed after December 31, 2016.

SECTION 14. IC 6-1.1-18.5-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a) This section applies to Howard Township in Washington County.**

(b) If the township fiscal body adopts a resolution:

(1) setting forth a finding that the township's maximum permissible ad valorem property tax levy needs to be increased in excess of the limitations established under section 3 of this chapter; and

(2) approving the submission of a petition by the township executive with the department;

the township executive may submit a petition to the department requesting an increase in the township's maximum permissible ad valorem property tax levy.

(c) If the executive of a township submits a petition under subsection (b), it must be on a form prescribed by the department. If a proper petition is submitted, the department shall increase the township's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2017 by an amount equal to the lesser of the following:

(1) The amount determined by the department to be necessary for the township to carry out the governmental functions committed to it by law.

(2) The amount that represents a ten percent (10%) increase in the township's 2016 maximum permissible ad valorem property tax levy.

(d) The township's 2017 maximum permissible ad valorem property tax levy, after the increase made under this section, is to be used in determining the township's previous year maximum permissible ad valorem property tax levy for the determination under this chapter of the township's maximum permissible ad valorem property tax levy after 2017.

(e) This section expires January 1, 2019.".

Page 20, delete lines 1 through 6.

Page 21, delete lines 29 through 42.

Delete page 22.

Page 23, delete lines 1 through 29.

Page 23, line 30, delete "IC 6-3.6-2-14.5" and insert "IC 6-3.6-2-13.5".

Page 23, line 32, delete "14.5." and insert "**13.5.**".

Page 28, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 27. IC 36-2-13-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) If the county legislative body adopts an ordinance electing to implement section 15 of this chapter, the county legislative body shall establish a nonreverting county prisoner reimbursement fund.

(b) All amounts collected under section 15 of this chapter must be deposited in the county prisoner reimbursement fund.

(c) Any amount earned from the investment of amounts in the fund becomes part of the fund.

(d) Notwithstanding any other law, upon appropriation by the county fiscal body, amounts in the fund may be used by the county only for the operation, construction, repair, remodeling, enlarging, and equipment of:

(1) a county jail; or

(2) a juvenile detention center to be operated under IC 31-31-8 or IC 31-31-9.

(e) For a county that has a balance in the fund that exceeds the amount needed for the purposes set forth in subsection (d), the fund may be used by the county for the costs of care, maintenance, and housing of prisoners, including the cost of housing prisoners in the facilities of another county.".

Delete pages 29 through 37.

Page 38, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 28. IC 36-7-15.1-26, AS AMENDED BY P.L.87-2015, SECTION 8, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. However, ~~an expiration date imposed by this subsection does not apply to~~ **for** an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter, **the expiration date of any allocation provisions for the allocation area is January 1, 2046.** A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before July 1 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection

(b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.".

Page 39, after line 42, begin a new paragraph and insert:

"SECTION 30. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] **(a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) This SECTION applies to an assessment date occurring in 2008 through 2011.

(c) As used in this SECTION, "eligible property" means real property for which a charitable exemption from property taxes was granted for the 2012 through 2015 assessment dates that consists of:

(1) a building owned, occupied, and used for the charitable fundraising activities described in subsection (d) during 2008 through 2015; and

(2) a parking lot that serves the building described in subdivision (1) during 2008 through 2015.

(d) As used in this SECTION, "qualified taxpayer" refers to an Indiana domestic nonprofit corporation that from 2008 through 2015:

(1) owned the eligible property;

(2) held a charity gaming license issued by the Indiana gaming commission under IC 4-32.2; and

(3) used the eligible property to conduct charitable fundraising activities to support its boarding high school.

(e) A qualified taxpayer may, before September 1, 2016, file property tax exemption applications and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for the 2008 through 2011 assessment dates.

(f) A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been timely filed.

(g) If a qualified taxpayer files the property tax exemption applications under subsection (e) and the county assessor finds that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for an assessment date described in subsection (e) if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for that assessment date, the following apply:

(1) The property tax exemption for the eligible property shall be allowed and granted for that

assessment date by the county assessor and county auditor.

(2) The qualified taxpayer is not required to pay any property taxes, penalties, or interest with respect to the eligible property for that assessment date.

(h) The exemption allowed by this SECTION shall be applied without the need for any further ruling or action by the county assessor, the county auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(i) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (e), the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2016, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(j) This SECTION expires July 1, 2018.

SECTION 31. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to the interim study committee on fiscal policy during the 2016 legislative interim the study of the fiscal needs of municipalities that have percentage growth in assessed value in a year that was at least two (2) times the percentage growth allowed in property tax levies under IC 6-1.1-18.5.**

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

Renumber all SECTIONS consecutively.

(Reference is to SB 308 as reprinted January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 324 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Messmer, Chair; and Arnold
Advisors: Yoder, Broden, Perfect

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 not concurred in House amendments to Engrossed Senate Bill 364 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Bassler, Chair; and Mrvan
Advisors: Patricia Miller and Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 43 and the same is 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 Senate Concurrent Resolution 45 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 91 on February 25.

CONFEREES AND ADVISORS APPOINTED

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

EHB 1012 Conferees: Koch and C. Brown
Advisors: Ziemke and Pierce

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

ESB 324 Conferees: VanNatter and Stemler
Advisors: Nisly and DeLaney

ESB 364 Conferees: Bacon and Bauer
Advisors: Baird and C. Brown

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 255, 333, 334, 339 and 357 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 29, 2016, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1386.

DERMODY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Riecken, Pryor, Niezgodski and Leonard be added as cosponsors of Engrossed Senate Bill 11.

CLERE

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

HOUSE MOTION

Mr. Speaker: I move that Representatives Hale and Mahan be added as cosponsors of Engrossed Senate Bill 14.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as cosponsor of Engrossed Senate Bill 40.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 232.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as cosponsor of Engrossed Senate Bill 234.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Errington be added as cosponsor of Engrossed Senate Bill 238.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 306.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as cosponsor of Engrossed Senate Bill 333.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ober be added as cosponsor of Engrossed Senate Bill 357.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be added as cosponsor of Engrossed Senate Bill 362.

COX

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as cosponsor of Engrossed Senate Bill 366.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Engrossed Senate Bill 378.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Moed, Pryor, Frizzell and Morris be added as coauthors of House Resolution 32.

BORDERS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Austin, the House adjourned at 3:18 p.m., this twenty-fifth day of February, 2016, until Monday, February 29, 2016, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives