



# Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Forty-third Day

Tuesday Morning

April 14, 2015

The invocation was offered by Reverend Craig Beckley of Bridge Hope in Morres Hill, a guest of Representative Randall L. Frye.

The House convened at 11:30 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Robin C. Shackelford.

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

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

Torr  
Truitt  
Ubelhor  
VanNatter  
Washburne  
Wesco

Wolkins  
Wright  
Zent  
Ziemke  
Mr. Speaker

Roll Call 410: 94 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## RESOLUTIONS ON FIRST READING

### House Resolution 52

Representative Errington introduced House Resolution 52:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of dispensing information regarding vaccinations against the human papillomavirus.

*Whereas, The human papillomavirus (HPV) is a common virus that can cause cervical cancer in women and can also cause other kinds of cancer in both men and women; and*

*Whereas, Awareness of HPV, its risk factors, and the importance of access to preventive measures, including the HPV vaccination, are critical to perpetuating the continual decrease of the incidence of cancer in both men and women: Therefore,*

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of dispensing information regarding vaccination programs against human papillomavirus.

SECTION 2. The committee should study the establishment of a program to do the following:

(1) Provide information to:

(A) parents; and

(B) health care providers and other individuals approved to administer the human papillomavirus (HPV) vaccine;

about the HPV infection and the HPV vaccine.

(2) Establish goals and plans to increase the vaccination rate for the human papillomavirus (HPV) infection to achieve an eighty percent (80%) immunization rate for children who are at least thirteen (13) years of age but less than sixteen (16) years of age not later than July 1, 2020.

(3) Work with various governmental agencies and private organizations to develop and distribute information regarding the human papillomavirus (HPV) infection and the HPV vaccine.

SECTION 3. (a) As a result of the study, a report should be prepared annually that provides the following information:

(1) The estimated number of grade 6 students who have been immunized against the human papillomavirus (HPV) infection.

- (2) Recent efforts to educate and inform:
  - (A) parents; and
  - (B) health care providers and other individuals approved to administer the human papillomavirus (HPV) vaccine; about the HPV infection and the HPV vaccine.
- (3) Recent partnerships with other agencies and organizations to accomplish the goals of the program.
- (4) Future plans and goals of the program.
- (b) The report prepared under subsection (a) must be:
  - (1) presented annually to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4; and
  - (2) submitted to the general assembly in an electronic format under IC 5-14-6.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

**House Resolution 53**

Representative GiaQuinta introduced House Resolution 53:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of the sale of growlers by package liquor stores.

*Whereas, The committee, if assigned the topic, shall study all topics dealing with the sale of growlers by package liquor stores, specifically health department regulations and compliance, quality control, permitting within the alcohol tobacco commission, and sales and performance of the market segment in states where it is currently allowed by law: Therefore,*

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of the sale of growlers by package liquor stores.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

**House Resolution 54**

Representatives Moed, Price and Pryor introduced House Resolution 54:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of mortgage foreclosure prevention programs in operation in Indiana and related processes that relate to mortgage foreclosure.

*Whereas, Both Indiana and federal laws encourage home mortgage lenders and borrowers who are having difficulty meeting their mortgage obligations to attempt to work together so as to save homes from foreclosures;*

*Whereas, Indiana and federal laws address the problems faced by troubled borrowers in different ways; and*

*Whereas, The General Assembly should seek to make the Indiana and federal processes work together so that helping Hoosiers stay in their homes is as efficient as possible: Therefore,*

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of mortgage foreclosure prevention programs in operation in Indiana and related processes that relate to mortgage foreclosure.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures

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

**ENGROSSED SENATE BILLS  
ON SECOND READING**

**Engrossed Senate Bill 27**

Representative Smaltz called down Engrossed Senate Bill 27 for second reading. The bill was re-read a second time by title.

HOUSE MOTION  
(Amendment 27-2)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 1, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 1. IC 8-6-7.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. A railroad corporation ~~conductor, or engineer who~~ that violates this chapter commits a Class C infraction. ~~However, no conductor or engineer acting under the rules or orders of the railroad corporation or its supervisory personnel may be prosecuted for such a violation. The minimum judgment that may be entered for a Class C infraction under this section is two hundred dollars (\$200).~~"

Renumber all SECTIONS consecutively.  
(Reference is to ESB 27 as printed April 10, 2015.)

MORRIS

Motion prevailed.

HOUSE MOTION  
(Amendment 27-3)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"(c) **Notwithstanding IC 34-28-5-5(c), funds collected as judgments for violations of this section must be deposited in the industrial rail service fund established by IC 8-3-1.7-2.**"

(Reference is to ESB 27 as printed April 10, 2015.)

MORRIS

Motion prevailed. The bill was ordered engrossed.

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

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 65**

Representative Koch called down Engrossed Senate Bill 65 for third reading:

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

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

Roll Call 411: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

**Engrossed Senate Bill 166**

Representative Frizzell called down Engrossed Senate Bill 166 for third reading:

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

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

Roll Call 412: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 168**

Representative Clere called down Engrossed Senate Bill 168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law an procedure.

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

Roll Call 413: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 207**

Representative Clere called down Engrossed Senate Bill 207 for third reading:

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

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

Roll Call 414: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

#### **Engrossed Senate Bill 217**

Representative Gutwein called down Engrossed Senate Bill 217 for third reading:

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

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

Roll Call 415: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 267**

Representative Behning called down Engrossed Senate Bill 267 for third reading:

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

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

Roll Call 416: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 280**

Representative VanNatter called down Engrossed Senate Bill 280 for third reading:

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

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

Roll Call 417: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 312**

Representative Koch called down Engrossed Senate Bill 312 for third reading:

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

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

Roll Call 418: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 317**

Representative M. Smith called down Engrossed Senate Bill 317 for third reading:

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

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

Roll Call 419: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 406**

Representative McMillin called down Engrossed Senate Bill 406 for third reading:

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

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

Roll Call 420: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 408**

Representative Morris called down Engrossed Senate Bill 408 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 421: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 415**

Representative Clere called down Engrossed Senate Bill 415 for third reading:

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

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

Roll Call 422: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 450**

Representative Slager called down Engrossed Senate Bill 450 for third reading:

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

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

Roll Call 423: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 4:15 p.m. with the Speaker in the Chair.

Representative Bauer, who had been excused is now present.

**ENGROSSED SENATE BILLS  
ON SECOND READING**

**Engrossed Senate Bill 113**

Representative Dermody called down Engrossed Senate Bill 113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 251**

Representative Torr called down Engrossed Senate Bill 251 for second reading. The bill was read a second time by title.

**HOUSE MOTION  
(Amendment 251-1)**

Mr. Speaker: I move that Engrossed Senate Bill 251 be amended to read as follows:

Page 1, line 16, delete "is" and insert "**has**".

Page 2, line 1, delete "saved" and insert "**has been deposited**".

(Reference is to ESB 251 as printed April 10, 2015.)

DELANEY

Upon request of Representatives Dermody and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 424: yeas 93, nays 0. Motion prevailed.

**HOUSE MOTION  
(Amendment 251-4)**

Mr. Speaker: I move that Engrossed Senate Bill 251 be amended to read as follows:

Page 1, line 5, after "political subdivision" insert "**located in Hamilton County**".

(Reference is to ESB 251 as printed April 10, 2015.)

BROWN, T.

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 307**

Representative Steuerwald called down Engrossed Senate Bill 307 for second reading. The bill was read a second time by title.

**HOUSE MOTION  
(Amendment 307-2)**

Mr. Speaker: I move that Engrossed Senate Bill 307 be amended to read as follows:

Page 4, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 27-1-13-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS**

FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. An insurer that makes payment for a claim that is covered by comprehensive coverage or collision coverage under a transportation network company's motor vehicle insurance policy described in IC 8-2.1-19.1-7 shall make the payment:**

**(1) directly to the business that repairs the motor vehicle; or**

**(2) jointly to:**

**(A) the owner of; and**

**(B) any primary lien holder on; the motor vehicle."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as printed April 10, 2015.)

LEHMAN

Motion prevailed.

**HOUSE MOTION  
(Amendment 307-1)**

Mr. Speaker: I move that Engrossed Senate Bill 307 be amended to read as follows:

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

"SECTION 1. IC 24-5-24.5-11, AS ADDED BY P.L.65-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A consumer reporting agency shall place a security freeze on a protected consumer's consumer report if:

(1) the consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this section; and

(2) the protected consumer's representative:

(A) submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(B) provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; and

(C) provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer. ~~and~~

~~(3) the protected consumer's representative pays to the consumer reporting agency a fee as provided in section 17 of this chapter.~~

(b) If a consumer reporting agency does not have a consumer report pertaining to a protected consumer when the consumer reporting agency receives a request under subsection (a), the consumer reporting agency shall create a record for the protected consumer.

SECTION 2. IC 24-5-24.5-15, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

(1) submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency; **and**

(2) provide to the consumer reporting agency:

(A) in the case of a request by a protected consumer:

(i) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the ~~protective~~ **protected** consumer is no longer valid; and

(ii) sufficient proof of identification of the protected consumer; or

(B) in the case of a request by the representative of a protected consumer:

(i) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the ~~protective~~ **protected** consumer is no longer valid; and

(ii) sufficient proof of identification of the protected consumer; or

(B) in the case of a request by the representative of a protected consumer:

(i) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the ~~protective~~ **protected** consumer is no longer valid; and

(ii) sufficient proof of identification of the protected consumer; or

- (i) sufficient proof of identification of the protected consumer and the representative; and
- (ii) sufficient proof of authority to act on behalf of the protected consumer. ~~and~~

~~(3) pay to the consumer reporting agency a fee as provided in section 17 of this chapter.~~

SECTION 3. IC 24-5-24.5-17, AS ADDED BY P.L.65-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) ~~Except as provided in subsection (b);~~ A consumer reporting agency may not impose a fee for any service described in this chapter.

(b) A consumer reporting agency may charge a reasonable fee, not exceeding five dollars (\$5), for each placement or removal of a security freeze under this chapter.

(c) A consumer reporting agency may not charge a fee under this chapter if:

(1) the protected consumer's representative:

- (A) has obtained a police report or affidavit of alleged identity fraud against the protected consumer; and
- (B) provides a copy of the report or affidavit to the consumer reporting agency; or

(2) a request for the placement or removal of a security freeze is for a protected consumer who is less than sixteen (16) years of age at the time of the request and the consumer reporting agency has a consumer report concerning the protected consumer."

Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as printed April 10, 2015.)

FORESTAL

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 329

Representative Judy called down Engrossed Senate Bill 329 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 329-1)

Mr. Speaker: I move that Engrossed Senate Bill 329 be amended to read as follows:

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

"SECTION 1. IC 16-18-2-1.5, AS AMENDED BY SEA 546-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) "Abortion clinic", for purposes of IC 16-19-3-31, IC 16-21-2, and IC 16-34-3, means a health care provider (as defined in section 163(d)(1) of this chapter) that:

- (1) performs surgical abortion procedures; or
- (2) beginning January 1, 2014, provides an abortion inducing drug for the purpose of inducing an abortion.

(b) The term does not include the following:

- (1) A hospital that is licensed as a hospital under IC 16-21-2.
- (2) An ambulatory outpatient surgical center that is licensed as an ambulatory outpatient surgical center under IC 16-21-2.
- (3) A health care provider that provides, prescribes, administers, or dispenses an abortion inducing drug to fewer than five (5) patients per year for the purposes of inducing an abortion."

Page 2, delete lines 1 through 2.

(Reference is to ESB 329 as printed April 10, 2015.)

TORR

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 436

Representative T. Brown called down Engrossed Senate Bill 436 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 436-8)

Mr. Speaker: I move that Engrossed Bill 436 be amended to read as follows:

Page 8, delete lines 23 through 42.

Page 9, delete lines 1 through 15.

Page 22, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 14. IC 6-1.1-15-18, AS ADDED BY P.L.146-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) This section applies to an appeal to which this chapter applies, including any review by the board of tax review or the tax court.

(b) This section applies to any proceeding pending or commenced after June 30, 2012.

(c) **Except as provided in section 18.5 of this chapter**, to accurately determine market-value-in-use, a taxpayer or an assessing official may:

- (1) in a proceeding concerning residential property, introduce evidence of the assessments of comparable properties located in the same taxing district or within two (2) miles of a boundary of the taxing district; and
- (2) in a proceeding concerning property that is not residential property, introduce evidence of the assessments of any relevant, comparable property.

However, in a proceeding described in subdivision (2), preference shall be given to comparable properties that are located in the same taxing district or within two (2) miles of a boundary of the taxing district. The determination of whether properties are comparable shall be made using generally accepted appraisal and assessment practices.

SECTION 15. IC 6-1.1-15-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18.5. (a) This section applies to:**

- (1) **an appeal to which this chapter applies, including any review by the board of tax review or the tax court; and**
- (2) **any proceeding pending or commenced after June 30, 2012.**

(b) **This section applies to a parcel that is a limited market property.**

(c) **For purposes of this section, "limited market property" means:**

- (1) **a retail building of at least fifty thousand (50,000) square feet constructed for a build to suit tenant; or**
- (2) **a property that is generally sold in a sale-leaseback.**

(d) **For purposes of this section, "sale-leaseback" means a transaction in which:**

- (1) **the seller sells a property to a buyer; and**
- (2) **the buyer leases the property back to the seller.**

(e) **For purposes of this section, the following apply:**

(1) **The assessed value of land is equal to the market value of similar property types within the geographic area of a particular property as determined by land sales of similar property. County land orders and annual adjustments under IC 6-1.1-4-4.5 may be used to determine ongoing land values associated with properties used under this section. Actual land purchase prices must be used for the assessments of land purchased in the thirty-six (36) months before the assessment date. To decrease land value, evidence must be presented based on sales of comparable property types in the geographic area of the property under appeal.**

(2) **Improvement values may be established using the cost approach under the department of local government finance guideline using the guideline's cost tables and physical depreciation tables. If actual construction costs are available, the assessed value**

from the cost approach must be adjusted to be reflective of the actual costs.

(f) If requested by the assessor or the property tax assessment board of appeals, the owner or occupant of the property shall provide two (2) days before a hearing conducted by the property tax assessment board of appeals:

- (1) information concerning actual construction costs associated with the property, including all direct and indirect expenses such as the cost of all structural components, management fees, site improvements, architect fees, labor, builder overhead, and similar costs; and
- (2) information concerning the cost of improvements as reported for federal tax purposes and property building insurance policies.

Information submitted under this subsection may be used to help determine assessed value.

(g) In valuing properties under this section that have been appealed, the assessor or taxpayer may use either a cost less depreciation method or other traditional valuation approaches, including sales or income, or both. Comparable data of vacated similar limited market properties may be used only if the sale comparison is of a limited market property that has also been vacated.

(h) Obsolescence may be considered only in cases in which the property has been transferred from the original owner-occupant in an arm's length transaction or in a manner described in subsection (i) or (j).

(i) Obsolescence may not be determined for a limited market property using:

- (1) comparable sales data of vacated similar limited market properties unless the limited market property in question has been vacated; or
- (2) comparable rent data of similar limited market properties unless the limited market property in question is being leased to a user who is not the original user for whom the building was designed.

(j) The following apply to the determination of obsolescence for a limited market property:

- (1) When using the income capitalization approach, the capitalization rate must be taken from similar property being currently used for a similar use.
- (2) The use of actual lease payments and lessor expenses, compared only to the market defined under this section:

(A) must be considered market value-in-use of a fee simple interest in real estate; and

(B) may not be disregarded as a leased fee value or other non-real property value.

(3) Vacant properties may not be used in the income approach comparisons unless the property being assessed or under review is also vacant."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 436 as printed April 10, 2015.)

PRYOR

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 425: yeas 38, nays 56. Motion failed.

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

HOUSE MOTION  
(Amendment 436-7)

Mr. Speaker: I move that Engrossed Senate Bill 436 be amended to read as follows:

Page 9, between lines 15 and 16, begin a new paragraph and insert:

"(c) The valuation requirements in this section do not apply to the assessment of multi-tenant income producing shopping centers (as defined by the Appraisal Institute

Dictionary of Real Estate Appraisal (5th Edition))."

(Reference is to ESB 436 as printed April 10, 2015.)

PRYOR

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 426: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION  
(Amendment 436-1)

Mr. Speaker: I move that Engrossed Senate Bill 436 be amended to read as follows:

Page 29, between lines 16 and 17 begin a new paragraph and insert:

"SECTION 22. IC 6-3.5-4-2, AS AMENDED BY P.L.221-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) An adopting entity of any county may, subject to the limitation imposed by subsection ~~(c)~~, (d), adopt an ordinance to impose an annual license excise surtax at the same rate or amount on each motor vehicle listed in subsection ~~(b)~~ (c) that is registered in the county. The adopting entity 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.

(b) 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).

~~(b)~~ (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.

~~(c)~~ (d) 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.

~~(d)~~ (e) 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."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 436 as printed April 10, 2015.)

PRICE

Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 438**

Representative T. Brown called down Engrossed Senate Bill 438 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 438-3)

Mr. Speaker: I move that Engrossed Bill 438 be amended to read as follows:

Page 2, line 30, delete "2020." and insert "2030."  
Page 2, line 32, delete "2020." and insert "2030."

(Reference is to ESB 438 as printed April 10, 2015.)

DERMODY

Motion prevailed.

HOUSE MOTION  
(Amendment 438-4)

Mr. Speaker: I move that Engrossed Senate Bill 438 be amended to read as follows:

Page 30, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 18. IC 36-7-14.5-12.5, AS AMENDED BY P.L.203-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) This section applies only to an authority in a county having a United States government military base that is scheduled for closing or is completely or partially inactive or closed.

(b) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may create an economic development area:

- (1) by following the procedures set forth in IC 36-7-14-41 for the establishment of an economic development area by a redevelopment commission; and
- (2) with the same effect as if the economic development area was created by a redevelopment commission.

The area established under this section shall be established only in the area where a United States government military base that is scheduled for closing or is completely or partially inactive or closed is or was located.

(c) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may do the following in a manner that serves an economic development area created under this section:

- (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of economic development areas located within the corporate boundaries of the unit.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of economic development areas on the terms and conditions that the authority considers best for the unit and the unit's inhabitants.
- (3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.
- (4) Clear real property acquired for redevelopment purposes.
- (5) Repair and maintain structures acquired for redevelopment purposes.
- (6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
- (7) Survey or examine any land to determine whether the land should be included within an economic development area to be acquired for redevelopment purposes and to determine the value of that land.
- (8) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:
  - (A) real property acquired or being acquired for redevelopment purposes; or
  - (B) any economic development area within the jurisdiction of the authority.
- (9) Institute or defend in the name of the unit any civil action, but all actions against the authority must be brought in the circuit or superior court of the county where the authority is located.
- (10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the authority.

(11) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit subject to the same conditions and procedures that apply to the exercise of the power of eminent domain by a redevelopment commission under IC 36-7-14.

(12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

(13) Appoint clerks, guards, laborers, and other employees the authority considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

(14) Prescribe the duties and regulate the compensation of employees of the authority.

(15) Provide a pension and retirement system for employees of the authority by using the public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(16) Discharge and appoint successors to employees of the authority subject to subdivision (13).

(17) Rent offices for use of the department or authority, or accept the use of offices furnished by the unit.

(18) Equip the offices of the authority with the necessary furniture, furnishings, equipment, records, and supplies.

(19) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:

(A) Any local public improvement or structure that is necessary for redevelopment purposes or economic development within the corporate boundaries of the unit.

(B) Any structure that enhances development or economic development.

(20) Contract for the construction, extension, or improvement of pedestrian skyways (as defined in IC 36-7-14-12.2(c)).

(21) Accept loans, grants, and other forms of financial assistance from, or contract with, the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(22) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the authority and the execution of the powers of the authority under this chapter.

(23) Take any action necessary to implement the purpose of the authority.

(24) Provide financial assistance, in the manner that best serves the purposes set forth in section 11 of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the unit.

(d) An authority may designate all or a portion of an economic development area created under this section as an allocation area by following the procedures set forth in IC 36-7-14-39 for the establishment of an allocation area by a redevelopment commission. The allocation provision may modify the definition of "property taxes" under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of designated taxpayers in accordance with the procedures applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3 applies to such a modification. An allocation area established by an authority under this section is a special taxing district authorized by the general assembly to enable the unit to provide special benefits to taxpayers in the allocation area by promoting economic development that is of public use and benefit. For allocation areas established for an economic development area created under this section after June 30, 1997, and to the expanded portion of an allocation area for an economic development area that was established before June 30,

1997, and that is expanded under this section after June 30, 1997, 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, must be allocated. All of the provisions of IC 36-7-14-39 apply to an allocation area created under this section, except that the authority shall be vested with the rights and duties of a commission as referenced in those sections, **except that the expiration date of any allocation provision for the allocation area is the later of July 1, 2016, or the expiration date determined under IC 36-7-14-39(b)**, and except that, notwithstanding IC 36-7-14-39(b)(3), property tax proceeds paid into the allocation fund may be used by the authority only to do one (1) or more of the following:

- (1) Pay the principal of and interest and redemption premium on any obligations incurred by the special taxing district or any other entity for the purpose of financing or refinancing military base reuse activities in or serving or benefiting that allocation area.
- (2) Establish, augment, or restore the debt service reserve for obligations payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the authority (including lease rental revenues).
- (3) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.
- (4) Reimburse any other governmental body for expenditures made by it that benefits or provides for local public improvements or structures in or serving or benefiting that allocation area.
- (5) Pay expenses incurred by the authority that benefit or provide for local public improvements or structures that are in the allocation area or serving or benefiting the allocation area.
- (6) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:
  - (A) in the allocation area; and
  - (B) 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 clause (B). The reimbursements under this subdivision must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(e) In addition to other methods of raising money for property acquisition, redevelopment, or economic development activities in or directly serving or benefiting an economic development area created by an authority under this section, and in anticipation of the taxes allocated under subsection (d), other revenues of the authority, or any combination of these sources, the authority may, by resolution, issue the bonds of the special taxing district in the name of the unit. Bonds issued under this section may be issued in any amount without limitation. The following apply if such a resolution is adopted:

- (1) The authority shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.
- (2) The bonds must be executed by the appropriate officer of the unit and attested by the unit's fiscal officer.
- (3) The bonds are exempt from taxation for all purposes.
- (4) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(5) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the authority:

- (A) from the tax proceeds allocated under subsection (d);
- (B) from other revenues available to the authority; or
- (C) from a combination of the methods stated in clauses (A) and (B).

(6) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(7) Laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers and voters to remonstrate against the issuance of bonds do not apply to bonds issued under this section.

(8) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(9) If bonds are issued under this chapter that are payable solely or in part from revenues to the authority from a project or projects, the authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority. The authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the authority that are payable solely from revenues of the authority shall contain a statement to that effect in the form of bond.

(f) Notwithstanding section 8(a) of this chapter, an ordinance adopted under section 11 of this chapter may provide, or be amended to provide, that the board of directors of the authority shall be composed of not fewer than three (3) nor more than eleven (11) members, who must be residents of or be employed at a place of employment located within the unit. The members shall be appointed by the executive of the unit.

(g) The acquisition of real and personal property by an authority under this section is not subject to the provisions of IC 5-22, IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the purchase of property by public bodies or their agencies.

(h) An authority may negotiate for the sale, lease, or other disposition of real and personal property without complying with the provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other statute governing the disposition of public property.

(i) Notwithstanding any other law, utility services provided within an economic development area established under this section are subject to regulation by the appropriate regulatory agencies unless the utility service is provided by a utility that provides utility service solely within the geographic boundaries of an existing or a closed military installation, in which case the utility service is not subject to regulation for purposes of rate making, regulation, service delivery, or issuance of bonds or other forms of indebtedness. However, this exemption from regulation does not apply to utility service if the service is generated, treated, or produced outside the boundaries of the existing or closed military installation."

Renumber all SECTIONS consecutively.

(Reference is to ESB 438 as printed April 10, 2015.)

BROWN, T.

Motion prevailed.



HOUSE MOTION  
(Amendment 438-1)

Mr. Speaker: I move that Engrossed Senate Bill 438 be amended to read as follows:

Page 15, delete lines 12 through 42.

Page 16, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 438 as printed April 10, 2015.)

PORTER

Motion failed.

HOUSE MOTION  
(Amendment 438-2)

Mr. Speaker: I move that Engrossed Senate Bill 438 be amended to read as follows:

Page 31, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 20. [EFFECTIVE JULY 1, 2015] (a) **The following definitions apply throughout this SECTION:**

(1) **"C corporation"** means a corporation subject to Internal Revenue Code Subtitle A, Chapter 1, Subchapter C (Internal Revenue Code Section 301 et seq.) for federal income tax purposes.

(2) **"Listed taxes"** has the meaning set forth in IC 6-8.1-1-1.

(3) **"Statutory tax relief" for a calendar year after 2010 for a class of taxpayers means the amount equal to:**

(A) the best estimate of the sum of all listed taxes revenue and property tax revenue that would have been received from the class of taxpayers for the calendar year if the Indiana Code in effect on January 1, 2010, were effective throughout the calendar year; minus

(B) the best estimate of the sum of all listed taxes revenue and property tax revenue received from, or anticipated to be received from, the class of taxpayers for the calendar year:

(i) under the Indiana Code in effect on January 1 of the calendar year, for a calendar year after 2010 and before 2016; or

(ii) under the Indiana Code anticipated to be in effect on January 1, 2016, for a calendar year after 2015.

(b) The legislative council is urged to assign to an appropriate interim study committee during the 2015 interim the task of determining:

(1) the statutory tax relief realized by C corporations for each calendar year after 2010 and before 2015; and

(2) the statutory tax relief anticipated to be realized by C corporations for each calendar year after 2014 and before 2022.

(c) **This SECTION expires December 31, 2015."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 438 as printed April 10, 2015.)

PORTER

Upon request of Representatives Summers and Austin, the Speaker ordered the roll of the House to be called. Roll Call 427: yeas 54, nays 41. Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 465**

Representative Clere called down Engrossed Senate Bill 465 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 465-1)

Mr. Speaker: I move that Engrossed Senate Bill 465 be amended to read as follows:

Page 7, between lines 34 and 35, begin a new paragraph and

insert:

"SECTION 7. IC 12-7-2-43.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 43.3.**

**"Controlled substance", for purposes of:**

(1) **sections 190.1 and 190.2 of this chapter; and**

(2) **IC 12-14-5.4;**

**has the meaning set forth in IC 35-48-1-9.**

SECTION 8. IC 12-7-2-74.3, AS ADDED BY P.L.197-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 74.3. "EBT card", for purposes of IC 12-13-14-15 and IC 12-13-14-16, has the meaning set forth in IC 12-13-14-15(a)."

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 11. IC 12-7-2-111 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 111. (a)

"Immediate family", for purposes of the statutes listed in subsection (b), means the following:

(1) If a Medicaid applicant is married, the applicant's spouse and dependent children less than twenty-one (21) years of age.

(2) If a Medicaid applicant is not married, the following:

(A) If the applicant is divorced, the parent having custody.

(B) If the applicant is less than twenty-one (21) years of age:

(⊕) (i) the parent having custody; and

(ii) the dependent children less than twenty-one (21) years of age of the parent or parents.

(C) If clauses (A) and (B) do not apply, the applicant's parents.

(b) ~~This section~~ **Subsection (a)** applies to the following statutes:

(1) IC 12-14-1 through IC 12-14-9.5, **except IC 12-14-5.4.**

(2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

(c) **"Immediate family", for purposes of IC 12-14-5.4, means any of the following:**

(1) **A parent.**

(2) **A stepparent.**

(3) **A grandparent.**

(4) **A sibling who is at least twenty-one (21) years of age.**

(5) **A legal guardian."**

Page 8, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 17. IC 12-7-2-189.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 189.9.** "TANF assistance", for purposes of IC 12-14-5.4, means assistance under the federal Temporary Assistance for Needy Families program under 42 U.S.C. 601 et seq.

SECTION 18. IC 12-7-2-190.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 190.1.** "Tests negative" or "testing negative", for purposes of IC 12-14-5.4, means an individual:

(1) **tests negative for the presence of a controlled substance in the individual's body; or**

(2) **tests positive for the presence of a controlled substance in the individual's body but has:**

(A) **a valid prescription; or**

(B) **an order of a practitioner acting in the course of the practitioner's professional practice; for the controlled substance.**

SECTION 19. IC 12-7-2-190.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 190.2.** "Tests

positive" or "testing positive", for purposes of IC 12-14-5.4, means an individual:

- (1) tests positive for the presence of a controlled substance in the individual's body; and
- (2) does not possess:
  - (A) a valid prescription; or
  - (B) an order of a practitioner acting in the course of the practitioner's professional practice; for the controlled substance."

Page 27, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 48. IC 12-13-14-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) This section does not apply to an EBT program recipient who is:

- (1) at least sixty-five (65) years of age; or
- (2) disabled, as determined by the division.

The division shall indicate on the recipient's EBT card that the recipient is exempt from this section.

(b) Not later than August 1, 2015, the division shall require an EBT program recipient to show the recipient's photo identification issued by a federal, state, or local governmental unit to a retailer when using the recipient's EBT card for purchases unless a photo of the recipient appears on the EBT card.

(c) The division shall seek federal approval and apply for any federal waiver or permission necessary to implement this section."

Page 27, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 50. IC 12-14-5.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### Chapter 5.4. Drug Testing Program

Sec. 1. This chapter applies to an individual who:

- (1) is eligible to receive TANF assistance or who receives TANF assistance on behalf of a child; and
- (2) is at least eighteen (18) years of age.

Sec. 2. (a) The office of the secretary shall develop and establish a program in accordance with this chapter to test for the illegal use of a controlled substance by an individual described in section 1 of this chapter.

(b) The office of the secretary shall implement a program established in accordance with this chapter not later than July 1, 2016.

Sec. 3. An individual described in section 1 of this chapter shall take a substance abuse subtle screening inventory test administered in written or electronic form by a county office.

Sec. 4. A county office shall provide the following information in writing to an individual described in section 1 of this chapter at the time the individual applies for TANF assistance:

- (1) The individual is required to take a written or electronic substance abuse subtle screening inventory test.
- (2) The individual may be subject to random drug testing based on the results of the test described in subdivision (1).
- (3) The individual may be subject to drug testing if the county office believes, based on reasonable suspicion as set forth in section 5 of this chapter, that the individual is engaged in the illegal use of a controlled substance.
- (4) If the individual tests positive on a drug test administered under this chapter, the individual may be ineligible:
  - (A) for TANF assistance; and
  - (B) to receive TANF assistance on behalf of a child.
- (5) If the individual tests positive on a drug test administered under this chapter, the amount of the cost of the drug test will be withheld from any future

TANF assistance the individual receives if the individual continues to receive TANF assistance.

(6) If the individual tests positive on a drug test administered under this chapter, the amount of the cost of any subsequent drug test the individual is required to undergo will be withheld from the TANF assistance the individual receives, if the individual continues to receive TANF assistance, regardless of whether the individual tests positive or tests negative on the subsequent drug test.

Sec. 5. (a) A county office is considered to have reasonable suspicion to believe that an individual is engaged in the illegal use of a controlled substance if one (1) or more of the following apply:

- (1) The individual has been charged with an offense under IC 35-48 (controlled substances).
- (2) The individual has been charged with a substantially similar offense to the offense described in subdivision (1) in another jurisdiction.
- (3) The results of the substance abuse subtle screening inventory test indicate that the individual is at risk for the illegal use of a controlled substance.
- (4) The individual has previously failed a drug test administered under this chapter.

(b) If a county office has knowledge that an individual has been formally charged with an offense described in subsection (a)(1) or (a)(2), the county office shall administer a drug test to the individual.

(c) If a county office has reasonable suspicion to believe from the results of a substance abuse subtle screening inventory test that an individual is engaged in the illegal use of a controlled substance, the individual shall be placed in a pool of individuals who are subject to drug testing described in section 6 of this chapter.

(d) If a county office has reasonable suspicion to believe that an individual is engaged in the illegal use of a controlled substance as the result of failing a drug test administered under this chapter, the individual shall be placed in a pool of individuals who are subject to random drug testing as described in section 7 of this chapter.

Sec. 6. The office of the secretary shall administer a drug test to at least fifty percent (50%) of the pool of individuals described in section 5(c) of this chapter. An individual may not be tested more than once under this section.

Sec. 7. The office of the secretary shall administer random drug tests to fifty percent (50%) of the pool of individuals described in section 5(d) of this chapter each month.

Sec. 8. A county office shall provide a list of drug abuse treatment programs to any individual who tests positive under this chapter.

Sec. 9. (a) An individual who tests positive under this chapter and provides evidence that the individual is participating in a drug abuse treatment program shall continue to receive TANF assistance. However, the office of the secretary shall administer a drug test to the individual regularly at intervals of at least twenty (20) days but not more than thirty (30) days until the individual tests negative on two (2) consecutive drug tests.

(b) If an individual does not test negative on two (2) consecutive drug tests as described in subsection (a) within four (4) months after the date the office of the secretary begins testing the individual regularly under subsection (a), the individual is ineligible to receive TANF assistance for three (3) months after the date the office of the secretary determines that the individual is unable to test negative on two (2) consecutive drug tests.

(c) If an individual:

- (1) tests positive under this chapter; and
- (2) fails to provide, not later than thirty (30) days after the date the individual tests positive, evidence that the

individual is participating in a drug abuse treatment program;

the individual is ineligible to receive TANF assistance for three (3) months after the thirty (30) day period described in subdivision (2).

(d) An individual who is ineligible under subsection (b) or (c) may reapply for TANF assistance after the applicable three (3) month ineligibility period. Upon reapplying, the individual must test negative on a drug test before the individual may receive TANF assistance.

(e) If an individual described in subsection (d) tests positive on the drug test administered for the TANF reapplication process, the individual is ineligible to receive TANF assistance for three (3) years after the date the individual tests positive.

(f) An individual who is ineligible under subsection (e) may reapply for TANF assistance after the applicable three (3) year ineligibility period. Upon reapplying, the individual must test negative on a drug test before the individual may receive TANF assistance. If an individual tests positive on the drug test administered under this subsection, the individual is ineligible to receive TANF assistance for three (3) years after the date that the individual tests positive. After the three (3) year period of ineligibility, the individual may reapply again as provided under this subsection.

Sec. 10. (a) An individual who:

(1) reapplies for TANF assistance under section 9(d) or 9(f) of this chapter; and

(2) is eligible to receive TANF assistance;

is subject to random drug testing as described in subsection (b) for as long as the individual receives TANF assistance.

(b) The office of the secretary shall administer random drug tests to fifty percent (50%) of the pool of individuals described in subsection (a) each month.

(c) Section 9 of this chapter applies to an individual described in subsection (a) who tests positive on a subsequent drug test administered in accordance with this section.

Sec. 11. If an individual refuses to take a substance abuse subtle screening inventory test or drug test under this chapter, the individual is ineligible to receive TANF assistance under this chapter.

Sec. 12. (a) An individual who is ineligible to receive TANF assistance under this chapter is ineligible to receive TANF assistance on behalf of another individual.

(b) Except as provided in section 13 of this chapter, if an individual is ineligible to receive TANF assistance under this chapter and the individual receives or will receive TANF assistance on behalf of a child, the following apply:

(1) The child's eligibility for TANF assistance is not affected.

(2) The individual may not receive TANF assistance on behalf of the child.

(3) Subject to subsection (e), the individual may designate an immediate family member of the child to act as a protective payee for the child.

(c) Subject to subsection (h), if an immediate family member of the child:

(1) is not available to act as the protective payee; or

(2) declines to act as the protective payee;

for the child, the ineligible individual described in subsection (b) may designate another individual, upon approval by the division, to act as a protective payee for the child.

(d) Subject to subsection (h), if an ineligible individual described in subsection (b) does not designate an immediate family member of the child or another individual to act as a protective payee for the child, the division shall designate an immediate family member or another individual to act as a protective payee for the child.

(e) Subject to subsections (h) and (i), an immediate family

member of the child or another individual designated as a protective payee under this section shall:

(1) receive TANF assistance on behalf of the child; and

(2) act as a protective payee in regard to the TANF assistance received on behalf of the child.

(f) An immediate family member of the child or another individual who is designated as a protective payee for the child shall undergo a drug test before the family member or individual may act as a protective payee under this section.

(g) The immediate family member or individual described in subsection (f) shall pay the cost of the drug test under subsection (f).

(h) If the immediate family member or individual described in subsection (f) tests positive on the drug test or fails to pay the cost of the drug test under subsection (g), the immediate family member or individual may not act as a protective payee for the child.

(i) An immediate family member of the child or another individual who has been designated as a protective payee of the child may not continue to act as a protective payee for the child under this chapter if the immediate family member or individual is charged with a felony while the immediate family member or individual is receiving TANF assistance on behalf of a child under this chapter.

Sec. 13. (a) If an individual:

(1) is ineligible to receive TANF assistance under this chapter;

(2) was not a parent or guardian of a child at the time the individual became ineligible to receive TANF assistance as described in subdivision (1);

(3) becomes a parent or guardian of a child after the individual becomes ineligible to receive TANF assistance as described in subdivision (1); and

(4) tests negative on a drug test administered by the office of the secretary;

the individual may receive TANF assistance on behalf of the child.

(b) An individual described in subsection (a) is subject to random drug testing as described in section 10(b) of this chapter for as long as the individual receives TANF assistance on behalf of the child.

(c) If an individual described in subsection (a) tests positive on a drug test administered by the office of the secretary, the individual may not receive TANF assistance on behalf of the child and a protective payee must be designated for the child as provided in section 12 of this chapter.

Sec. 14. (a) Except as provided in section 12(g) of this chapter and subsections (b) and (c), the office of the secretary shall pay the costs of a drug test administered under this chapter.

(b) If an individual tests positive on a drug test administered under this chapter, the office of the secretary shall withhold the amount of the cost of the drug test from the next payment of TANF assistance the individual receives if the individual receives TANF assistance.

(c) If an individual tests positive on a drug test administered under this chapter, the office of the secretary shall withhold the amount of the cost of any subsequent drug tests that the individual is required to undergo from the next payment of TANF assistance the individual receives if that individual receives TANF assistance.

Sec. 15. (a) This chapter is subject to administrative hearing procedures under IC 4-21.5.

(b) The program under this chapter must include an appeals process for individuals.

Sec. 16. A drug test administered under the program must be performed by a:

(1) SAMHSA (as defined in IC 22-10-15-3) clinical laboratory; or

(2) clinical laboratory holding a federal Clinical

Laboratory Improvement Act (CLIA) certificate or a CLIA certificate of accreditation.

Sec. 17. The office of the secretary shall notify the department of child services regarding a child who has had an immediate family member or other individual designated as a protective payee under this chapter.

Sec. 18. The office of the secretary shall provide to:

- (1) the Indiana housing and community development authority established by IC 5-20-1-3; and
- (2) any division of the office of the secretary that implements SNAP (as defined as IC 12-14-30-1);

the name of an individual who has tested positive under this chapter.

Sec. 19. The office of the secretary's records concerning the results of a drug test under this article may not be admitted against a defendant in a criminal proceeding.

Sec. 20. The office of the secretary shall collect data to assess and ensure that there is no discrimination based on race, ethnicity, or sex regarding the pool of individuals who are drug tested under the program established under this chapter.

Sec. 21. The office of the secretary may adopt rules under IC 4-22-2 necessary to implement this chapter."

Page 43, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 80. IC 35-43-5-7, AS AMENDED BY P.L.158-2013, SECTION 479, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A person who knowingly or intentionally:

- (1) obtains public relief or assistance by means of impersonation, fictitious transfer, false or misleading oral or written statement, fraudulent conveyance, or other fraudulent means;
- (2) acquires, possesses, uses, transfers, sells, trades, issues, or disposes of:

- (A) an authorization document to obtain public relief or assistance; or
- (B) public relief or assistance;

except as authorized by law;

- (3) uses, transfers, acquires, issues, or possesses a blank or incomplete authorization document to participate in public relief or assistance programs, except as authorized by law;
- (4) counterfeits or alters an authorization document to receive public relief or assistance, or knowingly uses, transfers, acquires, or possesses a counterfeit or altered authorization document to receive public relief or assistance; or
- (5) conceals information for the purpose of receiving public relief or assistance to which he is not entitled;

commits welfare fraud, a ~~Class A misdemeanor~~, **Level 6 felony**, except as provided in subsection (b).

(b) The offense is:

- (1) a ~~Level 6~~ **5** felony if the amount of public relief or assistance involved is more than seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and
- (2) a ~~Level 5~~ **4** felony if the amount of public relief or assistance involved is at least fifty thousand dollars (\$50,000).

(c) Whenever a person is convicted of welfare fraud under this section, the clerk of the sentencing court shall certify to the appropriate state agency and the appropriate agency of the county of the defendant's residence:

- (1) the defendant's conviction; and
- (2) whether the defendant is placed on probation and restitution is ordered under IC 35-38-2.

SECTION 81. IC 35-43-5-7.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.4. (a) A person who uses public relief or assistance to purchase**

**goods with the intent to resell or otherwise provide the goods to another person for cash or other tangible or intangible property commits misuse of welfare assistance, a Level 6 felony.**

**(b) A person who provides payment to another person for goods, knowing that the other person purchased the goods with public relief or assistance, commits purchasing welfare assistance, a Level 6 felony."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 465 as printed April 10, 2015.)

GOODIN

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 428: yeas 80, nays 15. Motion prevailed.

HOUSE MOTION  
(Amendment 465-2)

Mr. Speaker: I move that Engrossed Senate Bill 465 be amended to read as follows:

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

"SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.114-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The following definitions apply to the construction of all Indiana statutes, unless the construction is plainly repugnant to the intent of the general assembly or of the context of the statute:

- (1) "Adult", "of full age", and ~~"person in his "~~ **"age of majority" mean refer to a person at least eighteen (18) years of age.**
- (2) "Attorney" includes a counselor or other person authorized to appear and represent a party in an action or special proceeding.
- (3) "Autism" means a neurological condition as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.
- (4) "Bond" does not necessarily imply a seal.
- (5) "Clerk" means the clerk of the court or a person authorized to perform the clerk's duties.
- (6) "Gender identity" means an individual's self identification as a male or a female, regardless of the individual's biological sex.**
- ~~(6)~~ **(7) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.**
- ~~(7)~~ **(8) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.**
- ~~(8)~~ **(9) "Infant" or "minor" means a person less than eighteen (18) years of age.**
- ~~(9)~~ **(10) "Inhabitant" may be construed to mean a resident in any place.**
- ~~(10)~~ **(11) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.**
- ~~(11)~~ **(12) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.**
- ~~(12)~~ **(13) "Mentally incompetent" means of unsound mind.**
- ~~(13)~~ **(14) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.**
- ~~(14)~~ **(15) "Month" means a calendar month, unless otherwise expressed.**
- ~~(15)~~ **(16) "Noncode statute" means a statute that is not codified as part of the Indiana Code.**
- ~~(16)~~ **(17) "Oath" includes "affirmation", and "to swear"**

includes to "affirm".

~~(17)~~ (18) "Person" extends to bodies politic and corporate.

~~(18)~~ (19) "Personal property" includes goods, chattels, evidences of debt, and things in action.

~~(19)~~ (20) "Population" has the meaning set forth in IC 1-1-3.5-3.

~~(20)~~ (21) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

~~(21)~~ (22) "Property" includes personal and real property.

~~(22)~~ (23) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(23)~~ (24) "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ (25) "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ (26) "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ (27) "Will" includes a testament and codicil.

~~(27)~~ (28) "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ (29) "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ (30) "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ (31) The definitions in IC 35-31.5 apply to all statutes relating to penal offenses."

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 3. IC 4-15-2.2-12, AS ADDED BY P.L.229-2011, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This chapter shall be liberally construed so as to increase governmental efficiency and responsiveness and to ensure the employment of qualified persons in the state classified service on the basis of the following merit principles:

(1) Recruitment, selection, and promotion of employees on the basis of an individual's relative ability, knowledge, and skills.

(2) The provision of equitable and adequate compensation.

(3) The training of employees to ensure high quality performance.

(4) The retention of employees based on:

(A) the quality of the employees' performance; and

(B) the correction of inadequate performance;

and the dismissal of employees whose inadequate performance is not corrected.

(5) Fair treatment of applicants and employees in all aspects of personnel administration:

(A) without regard to political affiliation, race, color, national origin, gender, **sexual orientation, gender identity**, religious creed, age, or disability; and

(B) with proper regard for the applicants' and employees' privacy and constitutional rights as citizens.

(6) Protection of employees from coercion for partisan political purposes, and prohibition on an employee using the employee's official authority to interfere with, or affect the result of, an election or nomination for political office.

(b) All employment matters in the state classified service are

guided by the merit principles set forth in subsection (a).

(c) The personnel administration systems adopted under this chapter govern and limit all other state employment matters and every appointing authority.

**(d) This chapter is exempt from IC 34-13-9.**

SECTION 4. IC 4-15-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The state is committed to an affirmative action policy that includes the establishment of employment policies and conditions that ensure the elimination of underutilization of qualified members of affected classes and the elimination of discrimination on the basis of race, or color, religion, national origin, or ancestry, age, sex, **sexual orientation, gender identity**, and disability.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 5. IC 5-2-1-9, AS AMENDED BY P.L.164-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, **sexual orientation, gender identity**, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, mental retardation, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile

dementia; to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

- (A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).
- (B) Identification of human and sexual trafficking.
- (C) Communicating with traumatized persons.
- (D) Therapeutically appropriate investigative techniques.
- (E) Collaboration with federal law enforcement officials.
- (F) Rights of and protections afforded to victims.
- (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
- (H) The availability of community resources to assist human and sexual trafficking victims.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (l), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
  - (A) attorney; or
  - (B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one

(1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.
- (6) The program must require training in interacting with individuals with autism.

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
- (3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;
- (3) is hired under subdivision (1) in an upper level policymaking position; and
- (4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements.

(p) Subject to subsection (q), an officer to whom subsection

(n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and
  - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and
  - (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training

courses established by the department of correction in conjunction with the board.

**(v) This section is exempt from IC 34-13-9.**

SECTION 6. IC 5-2-8-1, AS AMENDED BY P.L.164-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The following definitions apply in this section:

- (1) "Abuse" means:
  - (A) conduct that causes bodily injury (as defined in IC 35-31.5-2-29) or damage to property; or
  - (B) a threat of conduct that would cause bodily injury (as defined in IC 35-31.5-2-29) or damage to property.
- (2) "County law enforcement agency" includes:
  - (A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; and
  - (B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 or IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
  - (A) minimize the likelihood of injury to the law enforcement officer; and
  - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse, including the U nonimmigrant visa created under the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386).
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(19) Cultural diversity awareness that includes an understanding of cultural issues related to race, religion, gender, **sexual orientation, gender identity**, age, domestic violence, national origin, and physical and mental disabilities.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

**(j) This section is exempt from IC 34-13-9.**

SECTION 7. IC 5-2-18.2-8, AS ADDED BY P.L.171-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This chapter shall be enforced without regard to race, religion, gender, **sexual orientation, gender identity, age**, ethnicity, or national origin.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 8. IC 5-16-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Every contract for or on behalf of the state of Indiana or any of the municipal corporations thereof, for the construction, alteration, or repair of any public building or public work in the state of Indiana shall contain provisions by which the contractor agrees:

~~(a)~~ **(1)** that in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, or subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, religion, color, sex, **sexual orientation, gender identity**, national origin, **age, disability**, or ancestry, discriminate against any citizen of the state of Indiana who is qualified and available to perform the work to which the employment relates;

~~(b)~~ **(2)** that no contractor, subcontractor, nor any person on his behalf of the contractor or the subcontractor shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, religion, color, sex, **sexual orientation, gender identity**, national origin, **age, disability**, or ancestry;

~~(c)~~ **(3)** that there may be deducted from the amount payable to the contractor by the state of Indiana or by any municipal corporation thereof, under this contract, a penalty of five dollars ~~(\$5.00)~~ **(\$5)** for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and

~~(d)~~ **(4)** that this contract may be ~~cancelled~~ **canceled** or terminated by the state of Indiana or by any municipal corporation thereof, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract.

**(b) This section is exempt from IC 34-13-9.**

SECTION 9. IC 5-28-21-7, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) A political



subdivision (as defined in IC 36-1-2-13), a nonprofit organization, or a for-profit organization may submit an application to the corporation to obtain a grant, loan, or loan guarantee to establish a small business incubator. The application must:

- (1) describe the facility that is to be converted to an incubator;
- (2) specify the cost of the conversion;
- (3) demonstrate the ability of the applicant to directly provide or arrange for the provision of business development services (including financial consulting assistance, management and marketing assistance, and physical services) for tenants of the incubator;
- (4) demonstrate a potential for sustained use of the incubator by eligible tenants through a market study or other means;
- (5) demonstrate the ability of the applicant to operate the incubator in accordance with section 19 of this chapter;
- (6) state that the applicant will not discriminate against an employee or applicant for employment on the basis of race, religion, color, national origin, **ancestry**, sex, **sexual orientation**, **gender identity**, **disability**, or age; and
- (7) include any other information required by the corporation.

**(b) This section is exempt from IC 34-13-9.**

SECTION 10. IC 7.1-3-1.6-12, AS ADDED BY P.L.269-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A provider of a server program under this chapter must be willing to accept onsite audits by the commission and perform onsite audits as the commission considers necessary. An onsite audit may review the following:

- (1) The self-generated program audit described in section 11 of this chapter.
- (2) The number of Indiana server certificates that have been issued by the program provider.
- (3) The measures taken by the program provider for the protection of test questions.
- (4) The procedures of the program provider for scoring tests.
- (5) The size of the item bank from which the test questions are taken.
- (6) The methodology used to translate the course and test into multiple languages and the qualifications of the individuals performing the translation.
- (7) The integrity of the course data generated and stored by the program provider.
- (8) The program provider's data handling, reporting, and archiving capacities, policies, and procedures.
- (9) The availability and credentials of individuals providing qualified assistance to participants who have questions regarding course content and instructional materials.
- (10) The program provider's policies and procedures for addressing participants' questions.
- (11) The program provider's procedures to ensure that participants are not discriminated against due to age, sex, race, religion, ethnic origin, disability, **sexual orientation**, **gender identity**, or marital status.

**(b) This section is exempt from IC 34-13-9.**

SECTION 11. IC 7.1-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Notwithstanding any other law, a beer retailer may limit sales to the following:

- (1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.
- (2) Guests of a person described in subdivision (1).

(b) A beer retailer may call the annual fee described in subsection (a) a membership fee.

(c) A beer retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a beer retailer to discriminate among persons on the basis of race, sex, age, **sexual orientation**, **gender identity**, **national origin**, **ancestry**, **disability**, or religion when selecting persons to have access to the retailer's facilities and services.

**(e) This section is exempt from IC 34-13-9.**

SECTION 12. IC 7.1-3-9-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9.5. (a) Notwithstanding any other law, a liquor retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A liquor retailer may call the annual fee described in subsection (a) a membership fee.

(c) A liquor retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a liquor retailer to discriminate among persons on the basis of race, sex, **sexual orientation**, **gender identity**, age, **national origin**, **ancestry**, **disability**, or religion when selecting persons to have access to the retailer's facilities and services.

**(e) This section is exempt from IC 34-13-9.**

SECTION 13. IC 7.1-3-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Notwithstanding any other law, a wine retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A wine retailer may call the annual fee described in subsection (a) a membership fee.

(c) A wine retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a wine retailer to discriminate among persons on the basis of race, sex, **sexual orientation**, **gender identity**, age, **national origin**, **ancestry**, **disability**, or religion when selecting persons to have access to the retailer's facilities and services.

**(e) This section is exempt from IC 34-13-9.**

SECTION 14. IC 8-24-8-7, AS ADDED BY P.L.182-2009(ss), SECTION 282, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) All employees of the district:

(1) shall be employed solely on the basis of ability, taking into account their qualifications to perform the duties of their positions;

(2) shall be employed regardless of political affiliation;

(3) may not be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of their political affiliation, race, religion, color, sex, national origin, **sexual orientation**, **gender identity**, **age**, or **ancestry**;

(4) are ineligible to hold, or be a candidate for, elected office (as defined in IC 3-5-2-17) while employed by the district;

(5) may not solicit or receive political contributions;

(6) may not be required to make contributions for or participate in political activities;

(7) shall be employed on a six (6) month probationary period, with a written evaluation prepared after five (5) months of service by their immediate supervisor for the executive director to determine if employment should

continue beyond the probationary period; and  
 (8) shall be evaluated annually in writing by their immediate supervisor to advise the executive director as to whether the employees should remain in their positions.

**(b) This section is exempt from IC 34-13-9.**

SECTION 15. IC 10-13-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "bias crime" means an offense in which the person who commits the offense knowingly or intentionally:

- (1) selected the person who was injured; or
- (2) damaged or otherwise affected property;

by the offense because of the color, ~~creed~~, **religion**, disability, national origin, **ancestry**, race, religion, ~~or~~ **sex**, sexual orientation, **gender identity**, or **age** of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

SECTION 16. IC 10-13-3-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 23.5. This chapter is exempt from IC 34-13-9.**

SECTION 17. IC 10-16-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) Adequate provisions shall be made to allow the enlistment and induction of able bodied citizens of each and all racial groups in Indiana into all branches and departments of the Indiana guard reserve organized to defend and enforce the laws of Indiana. To that end, all racial groups in Indiana are entitled to that representation in each branch or department of the Indiana guard reserve in approximate proportion to the group or groups to the population of Indiana. However, this section or any other statute may not be construed so as to allow racial segregation.

(b) Race, ~~or~~ color, **religion**, **sex**, **sexual orientation**, **gender identity**, **national origin**, **age**, **disability**, or **ancestry** may not be a cause for excluding the application to serve or the service of any person in any branch of service provided for in this chapter.

**(c) This section is exempt from IC 34-13-9."**

Page 39, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 79. IC 12-20-5.5-1, AS AMENDED BY P.L.73-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The township trustee shall process all applications for township assistance according to uniform written standards and without consideration of the race, ~~creed~~, **religion**, nationality, **ancestry**, **sex**, **sexual orientation**, **gender identity**, **age**, **disability**, or gender of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of township assistance and the processing of applications must be:

- (1) governed by the requirements of this article;
- (2) proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;
- (3) reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;
- (4) published in a single written document, including addenda attached to the document; and
- (5) posted in a place prominently visible to the public in all offices of the township trustee where township assistance applications are taken or processed.

**(c) This section is exempt from IC 34-13-9."**

Page 41, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 85. IC 12-30-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) Admission of all patients and residents to the county home must be on a voluntary basis and without regard to race, religion,

color, sex, **sexual orientation**, **gender identity**, national origin, **age**, **disability**, or ancestry.

(b) Recipients of old age assistance and blind assistance shall be admitted to the county home on the same basis and for the same charge as other patients and residents in the county home. There may be no discrimination in the care and treatment of patients and residents of the county home because of the source of the money for the support and care of the patients and residents.

**(c) This section is exempt from IC 34-13-9.**

SECTION 86. IC 12-30-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 32. (a) Discrimination may not be made in accommodation, care, or treatment of any patient at a health center established under this chapter because of race, ~~creed~~, **religion**, national origin, **ancestry**, **sex**, **sexual orientation**, **gender identity**, **age**, **disability**, or ability to pay.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 87. IC 12-32-1-4, AS ADDED BY P.L.171-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This chapter shall be enforced without regard to race, religion, gender, **sexual orientation**, **gender identity**, **age**, ethnicity, or national origin.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 88. IC 16-23-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 21. (a) The hospital may not discriminate among patients due to the following:

- (1) Race, color, **religion**, **national origin**, **ancestry**, **sexual orientation**, **gender identity**, **age**, **disability**, or sex.
- (2) Occupational, economic, or social status.
- (3) Political or religious belief or the lack of political or religious belief.

(b) The hospital must also be open to all licensed physicians of the county and the patients of licensed physicians on equal terms and under uniform rules.

**(c) This section is exempt from IC 34-13-9.**

SECTION 89. IC 20-24-2-2, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: 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.**

**(b) This section is exempt from IC 34-13-9.**

SECTION 90. IC 20-24.5-3-5, AS ADDED BY P.L.2-2007, SECTION 209, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A student who applies for admission to the academy must:

- (1) be eligible to attend a public school in Indiana;
- (2) demonstrate exceptional intellectual ability; and
- (3) demonstrate a commitment to scholarship.

(b) A student shall be admitted without regard to sex, race, religion, ~~creed~~, national origin, **ancestry**, **sexual orientation**, **gender identity**, **age**, **disability**, or household income.

**(c) This section is exempt from IC 34-13-9.**

SECTION 91. IC 20-25.5-4-1, AS ADDED BY P.L.44-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An innovation network 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.**

**(b) This section is exempt from IC 34-13-9.**

SECTION 92. IC 20-33-1-1, AS AMENDED BY P.L.2-2008, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The following is the public policy of the state:

- (1) To provide:
  - (A) equal;
  - (B) nonsegregated; and
  - (C) nondiscriminatory;
 educational opportunities and facilities for all, regardless of race, ~~creed~~, **religion**, national origin, **ancestry**, color, ~~or~~ sex, **gender identity, or sexual orientation**.
- (2) To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, ~~creed~~, color, ~~or~~ **religion**, national origin, **ancestry, sex, gender identity, or sexual orientation**.
- (3) To reaffirm the principles of:
  - (A) the Bill of Rights;
  - (B) civil rights; and
  - (C) the Constitution of the State of Indiana.
- (4) To provide a uniform democratic system of public school education to the state and the citizens of Indiana.
- (5) To:
  - (A) abolish;
  - (B) eliminate; and
  - (C) prohibit;
 segregated and separate schools or school districts on the basis of race, ~~creed~~, ~~or~~ **religion, national origin, ancestry, color, sex, gender identity, or sexual orientation**.
- (6) To eliminate and prohibit:
  - (A) segregation;
  - (B) separation; and
  - (C) discrimination;
 on the basis of race, ~~creed~~, ~~or~~ color, **religion, national origin, ancestry, sex, gender identity, or sexual orientation** in public schools.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 93. IC 20-33-1-3, AS AMENDED BY P.L.2-2007, SECTION 226, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The governing body of a school corporation and the board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or separate public schools, including any public school departments or divisions, on the basis of race, color, ~~creed~~, ~~or~~ **religion**, national origin, **ancestry, gender identity, or sexual orientation** of pupils or students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause, including:

- (1) site selection; or
- (2) revision of:
  - (A) school districts;
  - (B) curricula; or
  - (C) enrollment policies;

to implement equalization of educational opportunity for all.

(c) A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:

- (1) separating students by ability;
- (2) placing students into educational tracks; or
- (3) using test results to screen students;

have the effect of systematically separating students by race, color, ~~creed~~, **religion**, national origin, **ancestry, sexual orientation, gender identity**, or socioeconomic class.

SECTION 94. IC 20-33-1-4, AS AMENDED BY P.L.2-2007, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A student is entitled to be admitted and enrolled in a public school in the school corporation in which the student resides without regard to race, ~~creed~~, **religion**, color, socioeconomic class, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

(b) A student may not be prohibited, segregated, or denied attendance or enrollment in a public school in the student's school corporation because of the student's race, ~~creed~~, **religion**, color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation**.

(c) Every student is free to attend a public school, including a department or division of a public school within the laws applicable alike to noncitizen and nonresident students.

SECTION 95. IC 20-33-1-5, AS AMENDED BY P.L.2-2007, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A public school may not segregate, separate, or discriminate against any of its students on the basis of race, ~~creed~~, ~~or~~ **religion**, color, **national origin, ancestry, gender identity, or sexual orientation**.

(b) Admission to a public school may not be approved or denied on the basis of race, ~~creed~~, ~~or~~ **religion**, color, **national origin, ancestry, gender identity, or sexual orientation**.

SECTION 96. IC 20-33-1-6, AS AMENDED BY P.L.2-2007, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. A public school may not discriminate in any way in the hiring, upgrading, tenure, or placement of a teacher on the basis of race, ~~creed~~, **religion**, color, ~~or~~ national origin, **ancestry, sex, gender identity, or sexual orientation**.

SECTION 97. IC 20-42-3-10, AS AMENDED BY P.L.286-2013, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The trustee, with the advice and consent of the township board, shall use the account for the following educational purposes:

(1) Each year the trustee shall pay, to the parent or legal guardian of any child whose residence is within the township, the initial cost for the rental of curricular materials used in any elementary or secondary school that has been accredited by the state. The reimbursement for the rental of curricular materials shall be for the initial yearly rental charge only. Curricular materials subsequently lost or destroyed may not be paid for from this account.

(2) Students who are residents of the township for the last two (2) years of their secondary education and who still reside within the township are entitled to receive financial assistance in an amount not to exceed an amount determined by the trustee and the township board during an annual review of postsecondary education fees and tuition costs of education at any accredited postsecondary educational institution. Amounts to be paid to each eligible student shall be set annually after this review. The amount paid each year must be:

- (A) equitable for every eligible student without regard to race, religion, ~~creed~~, sex, disability, **sexual orientation, gender identity, ancestry, age**, or national origin; and
- (B) based on the number of students and the amount of funds available each year.

(3) A person who has been a permanent resident of the township continuously for at least two (2) years and who

needs educational assistance for job training or retraining may apply to the trustee of the township for financial assistance. The trustee and the township board shall review each application and make assistance available according to the need of each applicant and the availability of funds.

(4) If all the available funds are not used in any one (1) year, the unused funds shall be retained in the account by the trustee for use in succeeding years.

**(b) This section is exempt from IC 34-13-9.**

SECTION 98. IC 21-18.5-4-2, AS ADDED BY P.L.107-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The commission shall exercise its functions under this chapter without regard to an applicant's race, creed, sex, color, national origin, **sexual orientation, gender identity,** or ancestry.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 99. IC 21-40-2-1, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The following is the public policy of the state:

(1) To provide:

- (A) equal;
- (B) nonsegregated; and
- (C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, ~~creed~~, **religion,** national origin, **ancestry,** color, ~~or~~ sex, **gender identity, or sexual orientation.**

(2) To provide and furnish state educational institutions open equally to all, and prohibited and denied to none because of race, ~~creed~~, **religion,** color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation.**

(3) To reaffirm the principles of:

- (A) the Bill of Rights;
- (B) civil rights; and
- (C) the Constitution of the State of Indiana.

(4) To provide a uniform democratic system of public education to the state and the citizens of Indiana.

(5) To:

- (A) abolish;
- (B) eliminate; and
- (C) prohibit;

segregated and separate departments or divisions of a state educational institution on the basis of race, ~~creed~~, ~~or~~ **religion,** color, **national origin, ancestry, gender identity, or sexual orientation.**

(6) To eliminate and prohibit:

- (A) segregation;
- (B) separation; and
- (C) discrimination;

on the basis of race, color, ~~or~~ ~~creed~~ **religion, national origin, ancestry, gender identity, or sexual orientation** in state educational institutions.

**(b) This chapter is exempt from IC 34-13-9.**

SECTION 100. IC 21-40-2-4, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or separate state educational institutions on the basis of race, color, ~~creed~~, ~~or~~ **religion,** national origin, **ancestry, gender identity, or sexual orientation** of students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in state educational institutions for whatever cause, including:

- (1) site selection; or
- (2) revision of:
  - (A) districts;

(B) curricula; or

(C) enrollment policies;

to implement equalization of educational opportunity for all.

SECTION 101. IC 21-40-2-5, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A student may not be prohibited, segregated, or denied attendance or enrollment to a state educational institution because of the student's race, ~~creed~~, **religion,** color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation.**

(b) Every student is free to attend a state educational institution within the laws applicable alike to noncitizen and nonresident students.

SECTION 102. IC 21-40-2-6, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A state educational institution may not segregate, separate, or discriminate against any of its students on the basis of race, ~~creed~~, ~~or~~ **religion,** color, **ancestry, gender identity, or sexual orientation.**

(b) Admission to a state educational institution may not be approved or denied on the basis of race, ~~creed~~, ~~or~~ **religion,** color, **ancestry, gender identity, or sexual orientation.**

SECTION 103. IC 21-40-2-7, AS ADDED BY P.L.2-2007, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A state educational institution may not discriminate in any way in the hiring, upgrading, tenure, or placement of any teacher on the basis of **age, disability,** race, ~~creed~~, **religion,** color, ~~or~~ national origin, **ancestry, gender identity, or sexual orientation.**

SECTION 104. IC 22-9-1-2, AS AMENDED BY P.L.136-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) It is the public policy of the state to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through purchase or rental of real property, including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, **sexual orientation, gender identity, age,** or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(b) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, disability, national origin, **sexual orientation, gender identity, age,** or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this state and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, **sexual orientation, gender identity, age,** disability, national origin, or ancestry through reasonable methods is the purpose of this chapter.

(c) It is also the public policy of this state to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(d) It is hereby declared to be contrary to the public policy of the state and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, **sexual orientation, gender identity, age,** or ancestry.

(e) The general assembly recognizes that on February 16, 1972, there are institutions of learning in Indiana presently and traditionally following the practice of limiting admission of students to males or to females. It is further recognized that it would be unreasonable to impose upon these institutions the

expense of remodeling facilities to accommodate students of both sexes, and that educational facilities of similar quality and type are available in coeducational institutions for those students desiring such facilities. It is further recognized that this chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) It is against the public policy of the state and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

(1) refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or

(2) refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

(g) This chapter shall be construed broadly to effectuate its purpose.

**(h) This article is exempt from IC 34-13-9.**

SECTION 105. IC 22-9-1-3, AS AMENDED BY P.L.136-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. As used in this chapter:

(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state, except that the term "employer" does not include:

(1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;

(2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or

(3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

(1) by the individual's parents, spouse, or child; or

(2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

(1) the exclusion of a person from equal opportunities because of race, religion, color, sex, **sexual orientation, gender identity, age**, disability, national origin, or ancestry or status as a veteran;

(2) a system that excludes persons from equal opportunities because of race, religion, color, sex, **sexual orientation, gender identity, age**, disability, national origin, or ancestry or status as a veteran;

(3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, **sexual orientation, gender identity, age**, disability, national origin, or ancestry; or

(4) a violation of IC 22-9-5 that ~~occurs after July 25, 1992, and~~ is committed by a covered entity (as defined in IC 22-9-5-4).

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

(1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or

(2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

(1) sufficiently complete and filed by a complainant with the commission; or

(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

(1) the full name and address of the complainant;

(2) the name and address of the respondent against whom the complaint is made;

(3) the alleged discriminatory practice and a statement of particulars thereof;

(4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and

(5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

(1) it shall not be a discriminatory practice to maintain separate restrooms;

(2) it shall not be an unlawful employment practice for an

employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and

(3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

(s) "Veteran" means:

- (1) a veteran of the armed forces of the United States;
- (2) a member of the Indiana National Guard; or
- (3) a member of a reserve component.

SECTION 106. IC 22-9-1-6, AS AMENDED BY P.L.136-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The commission shall establish and maintain a permanent office in the city of Indianapolis.

(b) Except as it concerns judicial review, the commission may adopt rules under IC 4-22-2 to implement this chapter.

(c) The commission shall formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or local subdivisions thereof to effectuate such policies. The several departments, commissions, divisions, authorities, boards, bureaus, agencies, and officers of the state or any political subdivision or agency thereof shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any matter before the commission.

(d) The commission shall receive and investigate complaints alleging discriminatory practices. The commission shall not hold hearings in the absence of a complaint. All investigations of complaints shall be conducted by staff members of the civil rights commission or their agents.

(e) The commission may create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these agencies and councils to:

- (1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, ~~handicap~~, **sexual orientation, gender identity, disability, age**, national origin, or ancestry; and
- (2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

These agencies and councils may make ~~recommendation~~ **recommendations** to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.

(f) The commission may issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, ~~handicap~~, **sexual orientation, gender identity, disability, age**, national origin,

or ancestry.

(g) The commission shall prevent any person from discharging, expelling, or otherwise discriminating against any other person because the person filed a complaint, testified in any hearing before this commission, or in any way assisted the commission in any matter under its investigation.

(h) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(i) The commission may appoint administrative law judges other than commissioners, when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be members in good standing before the bar of Indiana and shall be appointed by the chairman of the commission. An administrative law judge appointed under this subsection shall have the same powers and duties as a commissioner sitting as an administrative law judge. However, the administrative law judge may not issue subpoenas.

(j) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

- (1) to restore complainant's losses incurred as a result of discriminatory treatment, as the commission may deem necessary to assure justice; however, except in discriminatory practices involving veterans, this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;
- (2) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and respondent's compliance with the policy in places of public accommodations;
- (3) to require proof of compliance to be filed by respondent at periodic intervals; and
- (4) to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why the person's license should not be revoked or suspended.

When an employer has been found to have committed a discriminatory practice in employment by failing to employ an applicant on the basis that the applicant is a veteran, the order to restore the veteran's losses may include placing the veteran in the employment position with the employer for which the veteran applied.

(k) Judicial review of a cease and desist order or other affirmative action as referred to in this chapter may be obtained under IC 22-9-8. If no proceeding to obtain judicial review is instituted within thirty (30) days from receipt of notice by a person that an order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of the order in circuit or superior court upon showing that the person is subject to the commission's jurisdiction and resides or transacts business within the county

in which the petition for enforcement is brought.

(l) If, upon all the evidence, the commission shall find that a person has not engaged in any unlawful practice or violation of this chapter, the commission shall state its findings of facts and shall issue and cause to be served on the complainant an order dismissing the complaint as to the person.

(m) The commission may furnish technical assistance requested by persons subject to this chapter to further compliance with this chapter or with an order issued thereunder.

(n) The commission shall promote the creation of local civil rights agencies to cooperate with individuals, neighborhood associations, and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(o) The commission may reduce the terms of conciliation agreed to by the parties to writing (to be called a consent agreement) that the parties and a majority of the commissioners shall sign. When signed, the consent agreement shall have the same effect as a cease and desist order issued under subsection (j).

(j) If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(p) In lieu of investigating a complaint and holding a hearing under this section, the commission may issue an order based on findings and determinations by the federal Department of Housing and Urban Development or the federal Equal Employment Opportunity Commission concerning a complaint that has been filed with one (1) of these federal agencies and with the commission. The commission shall adopt by rule standards under which the commission may issue such an order.

(q) Upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.

SECTION 107. IC 22-9-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. Every contract to which the state or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and ~~his~~ **the contractor's** subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, with respect to ~~his~~ **the employee's or applicant's** hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of ~~his~~ **the employee's or applicant's** race, religion, color, sex, **sexual orientation, gender identity, age**, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

SECTION 108. IC 22-9-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. In addition to its power to investigate the discriminatory practices referred to in this chapter, the commission may receive written complaints of violation of this chapter or other discriminatory practices based upon race, religion, color, sex, **sexual orientation, gender identity, age, disability**, national origin, or ancestry and ~~to~~ investigate such complaints as it deems meritorious, or ~~to~~ conduct such investigation in the absence of complaints whenever it deems it in the public interest. It may transmit to the general assembly its recommendations for legislation designed to aid in the removing of such discrimination.

SECTION 109. IC 22-9-2-11, AS AMENDED BY P.L.166-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. Nothing contained herein shall be deemed to repeal any of the provisions

of any law of this state relating to discrimination because of age, race, ~~or~~ color, religion, **sex, sexual orientation, gender identity, disability**, or country of ancestral origin. Nothing herein shall be deemed to limit, restrict or affect the freedom of any employer in regard to:

(~~a~~) **(1)** fixing compulsory retirement requirements for any class of employees at an age or ages less than seventy-five (75) years;

(~~b~~) **(2)** fixing eligibility requirements for participation in, or enjoyment by employees of, benefits under any annuity plan or pension or retirement plan on the basis that any employee may be excluded from eligibility therefor who, at the time he would otherwise become eligible for such benefits, is older than the age fixed in such eligibility requirements; or

(~~c~~) **(3)** keeping age records for any such purposes.

SECTION 110. IC 22-9.5-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (~~a~~) The purposes of this article are the following:

(1) To provide for fair housing practices in Indiana.

(2) To create a procedure for investigating and settling complaints of discriminatory housing practices.

(3) To provide rights and remedies substantially equivalent to those granted under federal law.

**(b) This article is exempt from IC 34-13-9.**

SECTION 111. IC 22-9.5-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, **sexual orientation, disability, familial status, age, ancestry, gender identity**, or national origin.

SECTION 112. IC 22-9.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, **sexual orientation, gender identity, familial status, disability, age, ancestry**, or national origin.

(b) A person may not discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, **sexual orientation, gender identity, familial status, disability, age, ancestry**, or national origin.

(c) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

SECTION 113. IC 22-9.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, **sexual orientation, gender identity, age**, disability, familial status, **ancestry**, or national origin, or an intention to make such a preference, limitation, or discrimination.

SECTION 114. IC 22-9.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. A person may not represent to any person because of race, color, religion, sex, **sexual orientation, gender identity, age**, disability, familial status, **ancestry**, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

SECTION 115. IC 22-9.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular

race, color, religion, sex, **sexual orientation, gender identity, age**, disability, familial status, **ancestry**, or national origin.

SECTION 116. IC 22-9.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) As used in this section, "residential real estate related transaction" means the following:

(1) Making or purchasing loans or providing other financial assistance:

(A) to purchase, construct, improve, repair, or maintain a dwelling; or

(B) to secure residential real estate.

(2) Selling, brokering, or appraising residential real property.

(b) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, **sexual orientation, gender identity, age**, disability, familial status, **ancestry**, or national origin.

SECTION 117. IC 22-9.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, **sexual orientation, gender identity, age**, disability, familial status, **ancestry**, or national origin.

SECTION 118. IC 22-9.5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(1) because of the person's race, color, religion, sex, **sexual orientation, gender identity, age**, disability, familial status, **ancestry**, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(2) because the person is or has been, or to intimidate the person from:

(A) participating, without discrimination because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, **age, ancestry**, or national origin, in an activity, a service, an organization, or a facility described in subdivision (1);

(B) affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (1); or

(C) lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, **age, ancestry**, or national origin, in an activity, a service, an organization, or a facility described in subdivision (1).

SECTION 119. IC 24-9-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) It is unlawful for a creditor to discriminate against any applicant with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex, marital status, **sexual orientation, gender identity**, or age, if the applicant has the ability to contract.

(b) **This section is exempt from IC 34-13-9.**

Page 43, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 122. IC 27-2-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) An insurance company that issues property or casualty insurance shall not discriminate in the appointment of an independent insurance producer on the basis of race, color, national origin, **ancestry, sexual orientation, gender identity, age, disability**, or gender.

(b) Except as provided in subsection (c), the department has exclusive jurisdiction to investigate any complaints of discrimination in the appointment of independent insurance producers in violation of subsection (a).

(c) If the commissioner of the department determines after a hearing that an insurance company has violated subsection (a), the commissioner may order one (1) of the following remedies:

(1) Payment of a civil penalty of not more than two thousand dollars (\$2,000) for each violation.

(2) Suspension or revocation of the insurance company's certificate of authority if the commissioner determines that the violation was willful or wanton and that similar violations have been committed by that company with a frequency that constitutes a general business practice.

(3) Any other remedy agreed to by the department and the insurance company.

(d) Any determination made by the commissioner under this section is subject to IC 4-21.5.

(e) Findings of the department under this section may not be considered as evidence in any civil action other than an appeal as provided under IC 4-21.5.

**(f) This section is exempt from IC 34-13-9.**

SECTION 123. IC 27-2-21-16, AS AMENDED BY P.L.84-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) An insurer that uses credit information to underwrite or rate risks shall not do the following:

(1) Use an insurance score that is calculated using income, gender, address, ZIP code, ethnic group, religion, marital status, **sexual orientation, gender identity, ancestry, age, disability**, or nationality of the consumer as a factor.

(2) Deny, cancel, or decline to renew a personal insurance policy solely on the basis of credit information.

(3) Base an insured's renewal rate for a personal insurance policy solely on credit information.

(4) Take an adverse action against a consumer solely because the consumer does not have a credit card account.

(5) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating a personal insurance policy, unless the insurer does one (1) of the following:

(A) Presents to the commissioner information that the absence or inability relates to the risk for the insurer and treats the consumer as approved by the commissioner.

(B) Treats the consumer as if the consumer had neutral credit information, as defined by the insurer.

(6) Take an adverse action against a consumer based on credit information unless the insurer obtains and uses:

(A) a credit report issued; or

(B) an insurance score calculated;

not more than ninety (90) days before the date the personal insurance policy is first written or the renewal is issued.

(7) Use the following as a negative factor in an insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a personal insurance policy:

(A) A credit inquiry:

(i) not initiated by the consumer; or

(ii) requested by the consumer for the consumer's



own credit information.

- (B) A credit inquiry relating to insurance coverage.
- (C) A late payment or a collection account with a medical industry code on the consumer's credit report.
- (D) Multiple lender inquiries:
  - (i) coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry; and
  - (ii) made within thirty (30) days of one another.
- (E) Multiple lender inquiries:
  - (i) coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry; and
  - (ii) made within thirty (30) days of one another.

(b) An insurer that uses credit information to underwrite or rate risks shall, at annual renewal upon the request of an insured or an insured's agent, re-underwrite and re-rate the insured's personal insurance policy based on a current credit report or insurance score unless one (1) of the following applies:

- (1) The insurer's treatment of the consumer is otherwise approved by the commissioner.
- (2) The insured is in the most favorably priced tier of the insurer, within a group of affiliated insurers.
- (3) Credit information was not used for underwriting or rating the insured when the personal insurance policy was initially written.
- (4) The insurer reevaluates the insured at least every thirty-six (36) months after a personal insurance policy is issued based on underwriting or rating factors other than credit information.
- (5) The insurer has re-underwritten and re-rated the insured's personal insurance policy based on a credit report obtained or an insurance score recalculated less than twelve (12) months before the date of the request by the insured or the insured's agent.

(c) An insurer that uses credit information to underwrite or rate risks may obtain current credit information upon the renewal of a personal insurance policy when renewal occurs more frequently than every thirty-six (36) months if consistent with the insurer's underwriting guidelines.

**(d) This section is exempt from IC 34-13-9.**

SECTION 124. IC 27-7-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Termination of property insurance coverage by an insurer is prohibited if the termination is based on any of the following:

- (1) Upon the race, religion, nationality, **ancestry**, ethnic group, age, sex, **sexual orientation**, **gender identity**, **disability**, or marital status of the applicant or named insured.
- (2) Solely upon the lawful occupation or profession of the applicant or named insured. However, this subdivision does not apply to an insurer that limits its market to one (1) lawful occupation or profession or to several related lawful occupations or professions.
- (3) Upon the age or location of the residence of the applicant or named insured, unless that decision is for a business purpose that is not a mere pretext for a decision based on factors prohibited in this chapter or any other provision of this title.
- (4) Upon the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured.
- (5) Upon the fact that the applicant or named insured previously obtained insurance coverage through a residual market insurance mechanism.

**(b) This section is exempt from IC 34-13-9.**

SECTION 125. IC 33-28-5-18, AS AMENDED BY P.L.157-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) The supervising judge or the jury administrator shall determine

whether a prospective juror is qualified to serve or, if disabled but otherwise qualified, whether the prospective juror could serve with reasonable accommodation. A person who is not eligible for jury service may not serve. The facts supporting juror disqualification or exemption must be recorded under oath or affirmation. A disqualification or exemption is not authorized unless supported by the facts. The jury administrator shall make a record of all disqualifications.

(b) A prospective juror is disqualified to serve on a jury if any of the following conditions exist:

- (1) The person is not a citizen of the United States, at least eighteen (18) years of age, and a resident of the county.
- (2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.
- (3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.
- (4) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.
- (5) The person has had the right to vote revoked by reason of a felony conviction and the right has not been restored.

(c) A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

- (1) The prospective juror has not previously been granted a deferral.
- (2) The prospective juror requests a deferral by contacting the jury administrator:
  - (A) by telephone;
  - (B) by electronic mail;
  - (C) in writing; or
  - (D) in person.
- (3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:
  - (A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and
  - (B) a date when the court will be in session.
- (4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:
  - (A) hardship;
  - (B) extreme inconvenience; or
  - (C) necessity.

(d) A prospective juror who is at least seventy-five (75) years of age may be exempted from jury service if the prospective juror notifies the jury administrator that the prospective juror is at least seventy-five (75) years of age and wishes to be exempted from jury service.

(e) A person may not serve as a petit juror in any county if the person served as a petit juror in the same county within the previous three hundred sixty-five (365) days in a case that resulted in a verdict. The fact that a person's selection as a juror would violate this subsection is sufficient cause for challenge.

(f) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

(g) The same petit jurors may be used in civil cases and in criminal cases.

(h) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, **sexual orientation**, **gender identity**, **ancestry**, **age**, **disability**, or

economic status.

**(i) This section is exempt from IC 34-13-9.**

SECTION 126. IC 33-41-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person may not be considered ineligible to serve as official reporter because of the person's gender, **race, religion, sexual orientation, gender identity, national origin, age, disability, or ancestry.**

(b) A judge may not appoint the judge's son or daughter as an official reporter.

**(c) This section is exempt from IC 34-13-9."**

Page 43, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 128. IC 35-46-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person who knowingly or intentionally denies to another person, because of color, ~~creed~~, disability, national origin, **ancestry, race, religion, or sex, sexual orientation, gender identity, or age**, the full and equal use of the services, facilities, or goods in:

- (1) an establishment that caters or offers its services, facilities, or goods to the general public; or
- (2) a housing project owned or subsidized by a governmental entity;

commits a civil rights violation, a Class B misdemeanor.

**(b) This section is exempt from IC 34-13-9.**

SECTION 129. IC 35-46-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A public servant having the duty to select or summon persons for grand jury or trial jury service who knowingly or intentionally fails to select or summon a person because of color, ~~creed~~, disability, national origin, **ancestry, race, religion, sexual orientation, gender identity, age, or sex** commits discrimination in jury selection, a Class A misdemeanor.

**(b) This section is exempt from IC 34-13-9."**

Page 44, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 131. IC 36-9-4-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 37. (a) The board of directors of a public transportation corporation may appoint or employ a general manager, accountants, attorneys, traffic engineers, drivers, clerks, secretaries, guards, laborers, and other employees, and may prescribe and define their duties, regulate their compensation, discharge them, and appoint or employ their successors. Employees shall be selected without regard to race, religion, **sexual orientation, gender identity, ancestry, national origin, age, disability**, or any personal affiliation. The board shall select the general manager on the basis of ~~his~~ **the individual's** fitness for the position, taking into account ~~his~~ **the individual's** executive ability and ~~his~~ knowledge of and experience in the field of mass public transportation.

(b) The board shall bargain collectively and enter into written contracts with authorized labor organizations representing employees other than executive, administrative, or professional personnel. These contracts may provide for the binding arbitration of disputes, wages, salaries, hours, working conditions, health and welfare, insurance, vacations, holidays, sick leave, seniority, pensions, retirement, and other benefits.

**(c) This section is exempt from IC 34-13-9.**

SECTION 132. [EFFECTIVE JULY 1, 2015] (a) **IC 35-46-2-1 and IC 35-46-2-2, both as amended by this act, apply only to crimes committed after June 30, 2015.**

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 465 as printed April 10, 2015.)

DELANEY

Representative McMillin rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The

Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that Representative DeLaney's amendment, Engrossed Senate Bill 465-2, violates Rule 80. The amendment addresses non-discrimination in all state agencies and programs and is germane to the bill's subject matter of Human Services and Health Matters.

DELANEY  
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 429: yeas 66, nays 24. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments the bill was ordered engrossed.

**Engrossed Senate Bill 466**

Representative Richardson called down Engrossed Senate Bill 466 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 466-2)

Mr. Speaker: I move that Engrossed Bill 466 be amended to read as follows:

Page 82, delete lines 30 through 33.

Page 118, line 36, delete "county,".

(Reference is to ESB 466 as printed April 10, 2015.)

RICHARDSON

Motion prevailed.

HOUSE MOTION  
(Amendment 466-3)

Mr. Speaker: I move that Engrossed Senate Bill 466 be amended to read as follows:

Page 6, line 28, after "holder," insert "**or under any provision of IC 3-11-8 that permits a precinct election officer to challenge a voter as part of the official duties of the precinct election officer,**".

Page 62, line 42, strike "(a)".

Page 90, line 31, delete "voter's" and insert "**voter's**".

Page 102, line 13, delete "list," and insert "**book,**".

Page 118, line 36, delete "county,".

Page 129, line 22, strike "(c)" and insert "**(d)**".

Page 129, line 24, strike "(c)," and insert "**(d),**".

(Reference is to ESB 466 as printed April 10, 2015.)

RICHARDSON

Motion prevailed.

HOUSE MOTION  
(Amendment 466-4)

Mr. Speaker: I move that Engrossed Senate Bill 466 be amended to read as follows:

Page 41, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 58. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

- (1) Lieutenant governor.
- (2) Secretary of state.
- (3) Auditor of state.

- (4) Treasurer of state.
- (5) Attorney general.
- (6) Superintendent of public instruction.

(b) The convention ~~shall~~ **may** also:

- (1) nominate candidates for presidential electors and alternate electors; and
- (2) elect the delegates and alternate delegates to the national convention of the political party.

(c) **If a political party's state convention does not:**

- (1) **nominate candidates for presidential electors and alternate electors; or**
- (2) **elect the delegates and alternate delegates to the national convention of the political party;**

**the candidates shall be nominated or the delegates elected as provided in the state party's rules."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 466 as printed April 10, 2015.)

RICHARDSON

Motion prevailed.

HOUSE MOTION  
(Amendment 466-1)

Mr. Speaker: I move that Engrossed Senate Bill 466 be amended to read as follows:

Page 92, delete lines 40 through 42.

Page 93, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to ESB 466 as printed April 10, 2015.)

LAWSON

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 430: yeas 30, nays 64. Motion failed. The bill was ordered engrossed.

#### Engrossed Senate Bill 476

Representative Friend called down Engrossed Senate Bill 476 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 476-1)

Mr. Speaker: I move that Engrossed Senate Bill 476 be amended to read as follows:

Page 5, line 12, delete "section 6.3" and insert "**sections 6.3 and 6.4**".

Page 6, between lines 30 through 31, begin a new paragraph and insert:

SECTION 4. IC 20-46-4-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.4. (a) This section applies to the North Vermillion Community school corporation.**

**(b) The superintendent of the North Vermillion Community school corporation may, after approval by the governing body of the school corporation, submit a petition to the department of local government finance requesting an increase in the maximum property tax levy for the school corporation's transportation fund.**

**(c) If the superintendent of the school corporation submits a petition under subsection (b), the department of local government finance shall increase the school corporation's maximum transportation fund levy for 2016, to make the 2016 maximum levy equal to twice the school corporation's 2015 maximum levy. The maximum levy after the increase under this section shall be used for purposes of determining the school corporation's maximum transportation fund levy after 2016 under section 6 of this chapter."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 476 as printed April 10, 2015.)

MORRISON

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 515

Representative Soliday called down Engrossed Senate Bill 515 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 523

Representative Frizzell called down Engrossed Senate Bill 523 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 523-6)

Mr. Speaker: I move that Engrossed Senate Bill 523 be amended to read as follows:

Page 5, line 4, delete "shall" and insert "**may**".

Page 5, line 6, delete "not later than July 1, 2016." and insert ".".

(Reference is to ESB 523 as printed April 3, 2015.)

FRIZZELL

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 566

Representative T. Brown called down Engrossed Senate Bill 566 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 566-21)

Mr. Speaker: I move that Engrossed Bill 566 be amended to read as follows:

Page 21, line 3, after "to" delete "a" and insert "**the subject matter of:**

**(1) a**".

Page 21, line 4, delete "a" and insert "**course; or**

**(2)"**.

Page 21, line 4, delete "other course" and insert "**another course;**".

Page 21, line 4, beginning with "taught" begin a new line blocked left.

Page 26, line 32, delete "unless the review period is extended" and insert ".".

Page 26, delete line 33.

Page 27, line 18, delete "(4)" and insert "**(3)**".

Page 31, line 8, after "population." insert "**An eligible school (as defined in IC 20-51-1-4.7) may not be penalized under IC 20-51-4-9 for the sole reason that the eligible school is considered a low population school under this subsection.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 566 as printed April 10, 2015.)

BROWN, T.

Motion prevailed.

HOUSE MOTION  
(Amendment 566-16)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 31, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 7. IC 20-43-1-1, AS AMENDED BY P.L.205-2013, SECTION 259, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2015]: Sec. 1. This article expires ~~July 1, 2015~~: **July 1, 2017**.

SECTION 8. IC 20-43-4-2, AS AMENDED BY

P.L.205-2013, SECTION 275, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A school corporation's ADM is the number of eligible pupils enrolled in:

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

on the days fixed in September and in February by the state board for a count of students under section 3 of this chapter and as subsequently adjusted not later than the date specified under the rules adopted by the state board. The state board may adjust the school's count of eligible pupils if the state board determines that the count is unrepresentative of the school corporation's enrollment. **The state board shall adjust a school corporation's count of students as provided in section 3.5 of this chapter.** In addition, a school corporation may petition the state board to make an adjusted count of students enrolled in the school corporation if the corporation has reason to believe that the count is unrepresentative of the school corporation's enrollment.

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

SECTION 9. IC 20-43-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3.5. (a) Beginning with the September count of students made in 2015, the state board shall adjust the September count of a school corporation's ADM by adding to the count (as otherwise adjusted under this chapter) the number of students who meet all of the following conditions:**

- (1) The student was included in the school corporation's count of students in the preceding February.
- (2) After the date of the school corporation's count of students in the preceding February and before the date of the school corporation's September count of students, the student completed the student's requirements for graduation for course credits earned before completing or upon completion of grade 11.
- (3) On the date of the September count of students, the student is not enrolled in the school corporation.

(b) Beginning with the February count of students made in 2016, the state board shall adjust the February count of a school corporation's ADM by adding to that count (as otherwise adjusted under this chapter) the number of students who meet either of the following conditions:

- (1) The student:
  - (A) was included in the school corporation's count of students for the preceding September because of an adjustment made under subsection (a); and
  - (B) is not enrolled in the school corporation on the date of the February count of students.
- (2) The student:
  - (A) was included in the school corporation's count of students in the preceding September;
  - (B) completed the student's requirements for graduation after the date of the school corporation's count of students in the preceding September and before the date of the school corporation's February count of students; and
  - (C) is not enrolled in the school corporation on the date of the February count of students."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 566 as printed April 10, 2015.)

FRYE

Motion prevailed.

HOUSE MOTION  
(Amendment 566-2)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 3, line 39, after "test" insert ", **except as otherwise provided in this subsection,**".

Page 3, line 40, after "states." insert "**However, the state board is not prohibited from incorporating as part of Indiana's statewide assessments any assessment, part of an assessment, or series of questions produced by a consortium of states if the assessment, part of an assessment, or series of questions produced by the consortium of states is aligned to Indiana's academic standards.**".

(Reference is to ESB 566 as printed April 10, 2015.)

DELANEY

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 431: yeas 23, nays 69. Motion failed.

HOUSE MOTION  
(Amendment 566-3)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"(d) Every two (2) years, before the department may award a request for proposal (as defined in IC 5-22-2-28) to an entity to provide testing services for the ISTEP program under IC 20-32-5, the department shall submit a report that includes the estimated cost of providing Indiana students an assessment that is produced by a consortium of states to the budget committee for review. The report shall include a comparison of costs between an assessment produced by a consortium of states and the estimated costs to administer the ISTEP program under the current request for proposals."

Page 3, lines 41, delete "(d)" and insert "(e)".

(Reference is to ESB 566 as printed April 10, 2015.)

DELANEY

Motion failed.

HOUSE MOTION  
(Amendment 566-1)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 3, between lines 40 and 41, begin a new paragraph and insert:

"(d) Notwithstanding subsection (c), a parent of a student who is administered an assessment under the ISTEP program under IC 20-32-5 at an accredited school may request that the accredited school administer an assessment produced by a consortium of states, as determined by the department, to the student. The assessment shall be in addition to the assessment administered to the student under IC 20-32-5. If a parent of the student requests the administration of an assessment under this subsection, the accredited school shall administer the assessment to the student. A governing body of the accredited school is entitled to acquire the assessment requested under this subsection for no charge from the department. The assessment shall be implemented and administered in the same manner the ISTEP program is implemented and administered under IC 20-32-5."

Page 3, lines 41, delete "(d)" and insert "(e)".

(Reference is to ESB 566 as printed April 10, 2015.)

DELANEY

Upon request of Representatives Lawson and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 432: yeas; 25, nays 70. Motion failed.

HOUSE MOTION  
(Amendment 566-4)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 35.

Renumber all SECTIONS consecutively.

(Reference is to ESB 566 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Mahan and Truitt, the Speaker ordered the roll of the House to be called. Roll Call 433: yeas 22, nays 69. Motion failed.

HOUSE MOTION  
(Amendment 566-5)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 21, line 5, delete "not".

Page 21, line 6, delete ", but a discussion of the supplement must be held." and insert ".".

Page 25, between lines 30 and 31, begin a new line block indented and insert:

**"(4) A supplement under IC 20-28-9-1.5."**

Page 26, line 16, delete ", including IC 20-28-9-1.5." and insert ".".

(Reference is to ESB 566 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 434: yeas 24, nays 68. Motion failed.

HOUSE MOTION  
(Amendment 566-6)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 31, between lines 10 and 11, begin a new paragraph and insert:

**"(c) In developing metrics for the categories established under subsection (a), the state board, in consultation with the department, shall consider the severity of tested students' disabilities when using ISTEP scores as a means of assessing school performance."**

(Reference is to ESB 566 as printed April 10, 2015.)

SMITH, V.

Upon request of Representatives Pierce and Summers, the Speaker ordered the roll of the House to be called. Roll Call 435: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION  
(Amendment 566-7)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Page 25, line 35, delete "." and insert ", or any performance stipend or addition to base salary based on a performance stipend to an individual teacher under IC 20-43-10-3."

Page 26, line 16, delete "." and insert "and IC 20-43-10-3."

Page 27, after line 42, begin a new paragraph and insert:

"SECTION 22. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A school employer shall discuss with the exclusive representative of certificated employees the following items:

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.

(8) Class size or budget appropriations.

(9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.

(10) Hours.

**(11) The following nonbargainable items under IC 20-43-10-3:**

**(A) Performance grants.**

**(B) Individual performance stipends to teachers.**

**(C) Additions to base salary based on performance stipends."**

Page 28, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 25. IC 20-29-6-16, AS AMENDED BY P.L.229-2011, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively by November 1, as provided in IC 6-1.1-17-5, the parties shall continue the terms of the current contract that is in effect, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) Upon the expiration of the current contract that is in effect, **except for performance stipends and additions to base salary provided under IC 20-43-10-3**, the school employer shall continue under the terms of the current contract that is in effect, with no increase or increment in salary, wages, or benefits for any bargaining unit employee until a new contract is executed, unless continuation would put the school employer in a position of deficit financing due to a reduction in the employer's actual general fund revenue or an increase in an employer's expenditures when the expenditures exceed the current year actual general fund revenue.

(c) The only parts of the contract that must continue under this section are the items contained in the contract and listed in section 4 of this chapter.

(d) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter."

Page 31, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 31. IC 20-43-10-3, AS ADDED BY P.L.205-2013, SECTION 300, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2015]: Sec. 3. (a) As used in this section, "achievement test" means a:

- (1) test required by the ISTEP program; or
- (2) Core 40 end of course assessment for the following:
  - (A) Algebra I.
  - (B) English 10.
  - (C) Biology I.

(b) As used in this section, "graduation rate" means the percentage graduation rate for a high school in a school corporation as determined under IC 20-26-13-10 but adjusted to reflect the pupils who meet the requirements of graduation under subsection (d).

(c) As used in this section, "test" means either:

- (1) a test required by the ISTEP program; or
- (2) a Core 40 end of course assessment;

in the school year ending in the immediately preceding state fiscal year or, for purposes of a school year to school year comparison, in the school year immediately preceding that school year.

(d) A pupil meets the requirements of graduation for purposes of this section if the pupil successfully completed:

- (1) a sufficient number of academic credits, or the equivalent of academic credits; and
- (2) the graduation examination required under IC 20-32-3

through IC 20-32-6; that resulted in the awarding of a high school diploma or an academic honors diploma to the pupil for the school year ending in the immediately preceding state fiscal year.

(e) Determinations for a school for a state fiscal year must be made using:

- (1) the count of tests passed compared to the count of tests taken throughout the school;
- (2) the graduation rate in the high school; and
- (3) the count of pupils graduating in the high school.

(f) In determining grants under this section, a school corporation may qualify for the following **two (2) grants** each year:

- (1) One (1) grant under subsection (h), (i), or (j).
- (2) One (1) grant under subsection (k), (l), or (m).

A school corporation's grant under subdivision (1) is the sum of the grants separately calculated for each school in the school corporation under subsection (h), (i), or (j). A school corporation's grant under subdivision (2) is the sum of the grants separately calculated for each school in the school corporation under subsection (k), (l), or (m).

(g) The sum of the **two (2) grant amounts** described in subsection (f), as determined for a school corporation under this section constitutes an annual performance grant that is in addition to state tuition support. The annual performance grant for a state fiscal year shall be distributed to the school corporation before December 5 of that state fiscal year. **If the:**

**(1) total amount to be distributed as performance grants for a particular state fiscal year exceeds the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations shall be proportionately reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the performance grant that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed as performance grants to all school corporations if a reduction were not made under this section; and**

**(2) total amount to be distributed as performance grants for a particular state fiscal year is less than the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations for that particular state fiscal year shall be proportionately increased so that the total amount to be distributed equals the amount of the appropriation for that particular state fiscal year.**

The performance grant received by a school corporation ~~may~~ **shall be allocated among and** used only to pay **one-time cash awards stipends to all teachers who are rated as effective or as highly effective and employed by the school corporation as of December 1. The lead school corporation or interlocal cooperative administering a cooperative or other special education program or administering a career and technical education program, including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award performance stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program. The amount of the distribution from an annual performance grant to an individual teacher is determined at the discretion of the governing body of the school corporation. The governing body may differentiate between the amount**

**of the stipend awarded to a teacher rated as a highly effective teacher and a teacher rated as an effective teacher and may differentiate between school buildings. A stipend to an individual teacher in a particular year is not subject to collective bargaining and is in addition to the minimum salary or increases in salary set under IC 20-28-9-1.5. In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a stipend to an individual teacher in a particular state fiscal year beginning after June 30, 2015, becomes a permanent part of and increases the base salary of the teacher receiving the stipend for school years beginning after the state fiscal year in which the stipend is received. The addition to base salary under this section is not subject to collective bargaining, is payable from funds other than the performance grant, and is in addition to the minimum salary and increases in salary set under IC 20-28-9-1.5. The school corporation shall complete the appropriation process for all stipends from a performance grant to individual teachers before December 31 of the state fiscal year in which the performance grant is distributed to the school corporation and distribute all stipends from a performance grant to individual teachers before the immediately following January 31. Any part of the performance grant not distributed as stipends to teachers before December 31 must be returned to the department on the earlier of the date set by the department or June 30 of that state fiscal year.**

(h) A school qualifies for a grant under this subsection if the school has more than seventy-two and five-tenths percent (72.5%) but less than ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) twenty-three dollars and fifty cents (\$23.50).

(i) A school qualifies for a grant under this subsection if the school has at least ninety percent (90%) of the tests taken in the school year ending in the immediately preceding state fiscal year that receive passing scores. The grant amount for the state fiscal year is:

- (1) the count of the school's passing scores on tests in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) forty-seven dollars (\$47).

(j) This subsection does not apply to a school corporation in its first year of operation. A school qualifies for a grant under this subsection if the school's school year over school year percentage growth rate of achievement tests receiving passing scores was at least five percent (5%), comparing the school year ending in the immediately preceding state fiscal year to the school year immediately preceding that school year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who had a passing score on their achievement test in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) forty-seven dollars (\$47).

(k) A school qualifies for a grant under this subsection if the school had a graduation rate of ninety percent (90%) or more for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) one hundred seventy-six dollars (\$176).

(l) A school qualifies for a grant under this subsection if the

school had a graduation rate greater than seventy-five percent (75%) but less than ninety percent (90%) for the school year ending in the immediately preceding state fiscal year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who met the requirements for graduation for the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) eighty-eight dollars (\$88).

(m) This subsection does not apply to a school in its first year of operation. A school qualifies for a grant under this subsection if the school's school year over school year percentage growth in its graduation rate is at least five percent (5%), comparing the graduation rate for the school year ending in the immediately preceding state fiscal year to the graduation rate for the school year immediately preceding that school year. The grant amount for the state fiscal year is:

- (1) the count of the school corporation's pupils who met the requirements for graduation in the school year ending in the immediately preceding state fiscal year; multiplied by
- (2) one hundred seventy-six dollars (\$176).

(n) This section expires June 30, ~~2015~~ 2017."

Renumber all SECTIONS consecutively.

(Reference is to ESB 566 as printed April 10, 2015.)

SMITH, V.

Motion withdrawn. The bill was ordered engrossed.

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

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 1

Representative McMillin called down Engrossed Senate Bill 1 for third reading:

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

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

Roll Call 436: yeas 56, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 98

Representative Smaltz called down Engrossed Senate Bill 98 for third reading:

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

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

Roll Call 437: yeas 72, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 327

Representative Dermody called down Engrossed Senate Bill 327 for third reading:

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

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

Roll Call 438: yeas 83, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 330

Representative Negele called down Engrossed Senate Bill 330 for third reading:

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

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

Roll Call 439: yeas 72, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 463

Representative T. Brown called down Engrossed Senate Bill 463 for third reading:

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

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

Roll Call 440: yeas 84, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 524

Representative Steuerwald called down Engrossed Senate Bill 524 for third reading:

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

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

Roll Call 441: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

## ENGROSSED SENATE JOINT RESOLUTION ON SECOND READING

### Engrossed Senate Joint Resolution 19

Representative T. Brown called down Engrossed Senate Joint Resolution 19 for second reading. The joint resolution was read a second time by title.

#### HOUSE MOTION (Amendment SJR 19-1)

Mr. Speaker: I move that Engrossed Senate Joint Resolution 19 be amended to read as follows:

Page 2, delete lines 11 through 14, begin a new line double block indented and insert:

**"(A) a capital expenditure that is paid for without using proceeds of bonds or other loans; or  
(B) a transfer from the state general fund to another state fund."**

(Reference is to SJR 19 as printed April 10, 2015.)

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 84, I hereby move that Senate Joint Resolution 19 be recommitted to the Ways and Means committee.

PELATH

Upon request of Representatives Pealth and Porter, the Speaker ordered the roll of the House to be called. Roll Call 442: yeas 26, nays 68. Motion failed.

There being no further amendments, the joint resolution was ordered engrossed.

**ENGROSSED SENATE JOINT RESOLUTION ON THIRD READING**

**Engrossed Senate Joint Resolution 2**

Representative Eberhart called down Engrossed Senate Joint Resolution 2 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning natural and cultural resources.

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

Roll Call 443: yeas 81, nays 12. The joint resolution was declared passed. The question was, Shall the title of the resolution remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the joint resolution.

**MOTIONS TO DISSENT FROM SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1044 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1102 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.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1104 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1108 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1159 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

JUDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1236 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SLAGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1264 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.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1273 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1319 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.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1469 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1531 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1540 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DERMODY

Motion prevailed.



## HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1603 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SMALTZ

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1636 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1637 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

**ENROLLED ACTS SIGNED**

The Speaker announced that he had signed House Enrolled Acts 1119, 1401 and 1509 and Senate Enrolled Acts 7, 173, 175, 197, 297, 309, 361, 394, 412, 447 and 522 on April 13.

The Speaker announced that he had signed Senate Enrolled Acts 2, 293 and 484 on April 14.

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 15, 2015, at 11:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

**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):

HB 1108	Conferees: Burton and Riecken Advisors: Cook, Summers, Austin
HB 1159	Conferees: Judy and Macer Advisors: Lehman, Frye, Klinker, Moseley
HB 1236	Conferees: Slager and Bartlett Advisors: Olthoff, M. Smith, Lawson
HB 1264	Conferees: Koch and Riecken Advisors: Mahan, Bartlett, Errington
HB 1273	Conferees: Huston and Porter Advisors: T. Brown, Ober, Moed, Pryor, DeLaney
HB 1319	Conferees: Koch and Hale Advisors: DeVon, McMillin, Pierce, Forestal
HB 1469	Conferees: Ober and Moseley Advisors: Carbaugh, Torr, Niezgodski, Bauer
HB 1531	Conferees: Davisson and Lawson Advisors: Steuerwald, Karickhoff, Pierce, Dvorak

HB 1603 Conferees: Smaltz and Pryor  
Advisors: Price, M. Smith, Stemler

HB 1636 Conferees: Behning and V. Smith  
Advisors: Cook, Fine, Austin, Errington, Moed

HB 1637 Conferees: Behning and V. Smith  
Advisors: Clere, Lucas, Austin, Errington, Moed

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

SB 123 Conferees: Sullivan and Riecken  
Advisors: McNamara, Behning, C. Brown, Shackelford

SB 249 Conferees: Lehe and Wright  
Advisors: Baird, Friend, Niezgodski

SB 298 Conferees: Judy and Macer  
Advisors: Lehman, Frye, Moseley, Klinker

SB 369 Conferees: Zent and Niezgodski  
Advisors: Torr, Riecken, Errington

SB 425 Conferees: Lehman and Austin  
Advisors: Carbaugh, Wright, Hale

SB 426 Conferees: Truitt and Pryor  
Advisors: M. Smith, Saunders, Goodin, Kersey

SB 508 Conferees: Lehe and Wright  
Advisors: Clere, Friend, Niezgodski

SB 532 Conferees: McNamara and Hale  
Advisors: Lehman, Cox, Lawson, Pierce

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

## HOUSE MOTION

Mr. Speaker: I move that Representative Wesco be added as cosponsor of Engrossed Senate Bill 1.

MCMILLIN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 327.

DERMODY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as cosponsor of Engrossed Senate Bill 330.

NEGELE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Moed and Forestal be removed as cosponsors of Engrossed Senate Bill 415.

CLERE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 450.

SLAGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehman and Pierce be added as coauthors of House Concurrent Resolution 75.

RICHARDSON

Motion prevailed.

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 1015 and 1036 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 1044, 1050, 1183, 1278, 1286, 1475 and 1562 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 199, 358, 420 and 500.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 395:

Conferees: Houchin, Chairman; and Breaux  
Advisors: Kenley, Mrvan, Steele and Messmer

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 423:

Conferees: Kenley, Chairman; and Broden  
Advisors: Houchin, Breaux and Ford

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 441:

Conferees: Hershman, Chairman; and Randolph  
Advisors: Steele, Broden, Ford and Messmer

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 461:

Conferees: Pat Miller, Chairman; and Stoops  
Advisors: Brown, Breaux and Houchin

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 509:

Conferees: Charbonneau, Chairman; and Rogers  
Advisors: Perfect, Stoops and Raatz

JENNIFER L. MERTZ  
Principal Secretary of the Senate

On the motion of Representative Negele, the House adjourned at 7:02 p.m., this fourteenth day of April, 2015, until Wednesday, April 15, 2015, at 11:00 a.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives