



Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Seventh Day

Thursday Morning

January 16, 2014

The invocation was offered by Pastor John Davis of the First Christian Church in Noblesville, the guest of Representative Kathy Kreag Richardson.

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

The Pledge of Allegiance to the Flag was led by Representative Kathy Kreag Richardson.

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

Arnold	Kubacki
Austin	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Battles	Lucas
Bauer	Lutz <input type="checkbox"/>
Behning	Macer
Beumer	Mahan
Braun	Mayfield
C. Brown	McMillan
T. Brown	McNamera
Burton	Messmer
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cox	Neese <input type="checkbox"/>
Culver	Negele
Davison <input type="checkbox"/>	Niemeyer
DeLaney	Niezugodski
Dermody	Ober
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Errington	Price
Forestal	Pryor
Friend	Rhoads
Frizzell	Richardson
Frye	Riecken
GiaQuinta	Saunders <input type="checkbox"/>
Goodin	Shackleford
Gutwein	Slager
Hale	Smaltz
Hamm	M. Smith
Harman	V. Smith
Harris	Soliday
Heaton	Speedy
Heuer	Stemler
Huston	Steuerwald
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer	Thompson
Klinker	Torr
Koch	Truitt

Turner	Wesco
Ubelhor	Wolkins
VanDenburgh	Zent
VanNatter	Ziemke
Washburne	Mr. Speaker

Roll Call 19: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 21, 2014, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "irritant or contaminant," and insert "**agent or substance**,".

Page 2, line 4, delete "irritant or contaminant," and insert "**agent or substance**,".

Page 2, line 35, delete "irritant or a contaminant" and insert "**agent or a substance**".

Page 2, line 38, delete "irritant" and insert "**agent**".

Page 2, line 39, delete "contaminant;" and insert "**substance;**".

Page 2, line 41, delete "irritant or contaminant." and insert "**agent or substance.**".

(Reference is to HB 1241 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1222 as introduced.)

Committee Vote: Yeas 10, Nays 0.

KUBACKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 20, line 12, delete "either" and insert "**one (1)**".
 (Reference is to HB 1206 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 11, nays 0.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 5, line 21, after "arrest" insert "**(A)**".
- Page 5, line 23, delete "(2) the arrest", begin a new line double block indented and insert: "**(B)**".
- Page 5, line 24, delete "." and insert "; **and (2) the person is not currently participating in a pretrial diversion program.**".
- Page 5, line 36, delete "the charge;" and insert "**the county in which the arrest occurred;**".
- Page 5, line 38, after "officer" insert ", **if known**".
- Page 6, line 1, delete "A" and insert "**The court shall serve a**".
- Page 6, line 1, delete "shall be served".
- Page 6, line 2, delete ", the law enforcement agency that arrested the person, and" and insert ".".
- Page 6, delete line 3.
- Page 6, line 4, delete "law".
- Page 6, delete lines 5 through 15.
- Page 6, line 16, after "court" insert "**(1) may summarily deny the petition if the petition does not meet the requirements of this section, or if the statements contained in the petition indicate that the petitioner is not entitled to relief; and (2) shall grant the petition unless: (A) the conditions described in subsection (a) have not been met; or (B) criminal charges are pending against the person.**".
- Page 6, line 16, delete "shall:".
- Page 6, delete lines 17 through 35.
- Page 6, line 36, delete "(i)" and insert "**(f)**".
- Page 7, line 7, delete "(j)" and insert "**(g)**".
- Page 7, line 40, strike "clear and convincing" and insert "**a preponderance of the**".
- Page 8, strike lines 1 through 2.
- Page 8, line 3, strike "(4)" and insert "**(3)**".
- Page 8, line 3, strike "successfully completed the person's sentence,".
- Page 8, line 4, strike "including any term of supervised release,".
- Page 8, line 7, strike "(5)" and insert "**(4)**".
- Page 9, line 8, strike "clear and convincing" and insert "**a preponderance of the**".
- Page 9, strike lines 11 through 12.
- Page 9, line 13, strike "(4)" and insert "**(3)**".
- Page 9, line 13, strike "successfully completed the person's sentence,".
- Page 9, line 14, strike "including any term of supervised release,".
- Page 9, line 17, strike "(5)" and insert "**(4)**".
- Page 9, line 17, reset in roman "crime".
- Page 9, line 17, delete "felony".
- Page 9, line 39, after "than" insert "**the later of**".
- Page 9, line 39, strike "after" and insert "**from the date of conviction, or three (3) years from**".

- Page 9, line 40, strike "(including the completion of any term of supervised" and insert ",,".
- Page 9, strike line 41.
- Page 9, line 42, strike "as part of the sentence,".
- Page 10, line 1, delete ")".
- Page 10, line 16, strike "clear and convincing" and insert "**a preponderance of the**".
- Page 10, strike lines 19 through 20.
- Page 10, line 21, strike "(4)" and insert "**(3)**".
- Page 10, line 21, strike "successfully completed the person's sentence,".
- Page 10, line 22, strike "including any term of supervised release,".
- Page 10, line 25, strike "(5)" and insert "**(4)**".
- Page 10, line 25, reset in roman "crime".
- Page 10, line 25, delete "felony".
- Page 10, line 30, reset in roman "marked as".
- Page 10, line 30, reset in roman "section 7".
- Page 10, line 30, delete "section 6".
- Page 10, line 31, reset in roman "A person whose records have been ordered marked as".
- Page 10, reset in roman lines 32 through 34.
- Page 11, line 8, after "than" insert "**the later of**".
- Page 11, line 8, strike "after" and insert "**from the date of conviction, or five (5) years from**".
- Page 11, line 9, strike "(including the completion of any term of supervised" and insert ",,".
- Page 11, strike line 10.
- Page 11, line 11, strike "as part of the sentence,".
- Page 11, line 12, delete ")".
- Page 11, line 27, strike "clear and convincing" and insert "**a preponderance of the**".
- Page 11, strike lines 30 through 31.
- Page 11, line 32, strike "(4)" and insert "**(3)**".
- Page 11, line 32, strike "successfully completed the person's sentence,".
- Page 11, line 33, strike "including any term of supervised release,".
- Page 11, line 36, strike "(5)" and insert "**(4)**".
- Page 11, line 36, reset in roman "crime".
- Page 11, line 36, delete "felony".
- Page 11, line 40, strike "(6)" and insert "**(5)**".
- Page 12, line 8, reset in roman "3".
- Page 12, line 8, delete "4".
- Page 13, line 6, reset in roman "3".
- Page 13, line 6, delete "4".
- Page 13, line 12, after "sealed." insert "**However, a petition for expungement granted under sections 2 through 3 of this chapter does not affect an existing or pending driver's license suspension.**".
- Page 13, line 14, reset in roman "3".
- Page 13, line 15, delete "4".
- Page 14, line 4, strike "section" and insert "**sections**".
- Page 14, line 5, strike "5" and insert "**2 through 5**".
- Page 14, line 17, reset in roman "4 or".
- Page 14, line 23, after "expunged." insert "**A petition for expungement granted under sections 4 through 5 of this chapter does not affect an existing or pending driver's license suspension.**".
- Page 15, line 20, strike "successfully completed all terms of the sentence previously" and insert "**paid all fines, fees, and court costs, and satisfied any restitution obligation imposed on the person as part of the sentence.**".
- Page 15, strike line 21.
- Page 15, line 22, strike "(A) payment of restitution, fines,".
- Page 15, line 22, delete "fees,".
- Page 15, line 22, strike "and court costs; and".
- Page 15, strike lines 23 through 24.
- Page 15, line 33, delete "." and insert "**by contacting the victim at the victim's last known address.**".

Page 16, line 9, strike "clear and convincing" and insert "**a preponderance of the**".

Page 16, line 42, delete "A" and insert "**Except as provided in subsection (j), a**".

Page 17, after line 14, begin a new paragraph and insert:
"SECTION 15. IC 35-38-9-10, AS ADDED BY P.L.159-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) It is unlawful discrimination for any person to:

- (1) suspend;
- (2) expel;
- (3) refuse to employ;
- (4) refuse to admit;
- (5) refuse to grant or renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession; or
- (6) otherwise discriminate against;

any person because of a conviction or arrest record expunged or sealed under this chapter.

(b) The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote, to hold public office, to serve as a juror, and, to the extent not prohibited by federal law, to own or possess a firearm.

(c) In any application for employment, a license, or other right or privilege, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests, such as: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?".

(d) A person whose record is expunged shall be treated as if the person had never been convicted of the offense. However, upon a subsequent arrest or conviction for an unrelated offense, the prior expunged conviction:

- (1) may be considered by the court in determining the sentence imposed for the new offense;
- (2) is a prior unrelated conviction for purposes of:
 - (A) a habitual offender enhancement; and
 - (B) enhancing the new offense based on a prior conviction; and
- (3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

(e) Any person that discriminates against a person as described in subsection (a) commits a Class C infraction and may be held in contempt by the court issuing the order of expungement or by any other court of general jurisdiction. Any person may file a written motion of contempt to bring an alleged violation of this section to the attention of a court. In addition, the person is entitled to injunctive relief.

(f) In any judicial or administrative proceeding alleging negligence or other fault, an order of expungement may be introduced as evidence of the person's exercise of due care in hiring, retaining, licensing, certifying, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the order of expungement was issued.

(g) A conviction that has been expunged under this chapter is not admissible as evidence in an action for negligent hiring, admission, or licensure against a person or entity who relied on the order.

(h) A petition for expungement and an order for expungement are confidential.

SECTION 16. IC 35-38-9-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) **A person may not waive the right to expungement under this chapter as part of a plea agreement. Any purported waiver of the right to expungement in a plea agreement is invalid and unenforceable as against public policy.**

(b) This section does not prohibit the finding of a waiver of the right to expungement based on a failure to comply with the provisions of this chapter."

Renumber all SECTIONS consecutively.
(Reference is to HB 1155 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Courts and Criminal Code, to which was referred House Bill 1145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1145 as introduced.)

Committee Vote: Yeas 10, Nays 0.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Courts and Criminal Code, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1140 as introduced.)

Committee Vote: Yeas 9, Nays 2.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Elections and Apportionment, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1134 as introduced.)

Committee Vote: Yeas 12, Nays 0.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Utilities and Energy, to which was referred House Bill 1132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1132 as introduced.)

Committee Vote: Yeas 10, Nays 0.

KOCH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 19, after "2." insert "(a)".

Page 2, line 19, after "policy" insert "**that is issued, delivered, amended, or renewed after June 30, 2014,**".

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"(b) An insurer that issues an accident and sickness insurance policy described in subsection (a) may offer coverage for abortion through a rider or an endorsement."

Page 2, line 28, after "7.5." insert "(a)".

Page 2, line 29, after "services" insert "**and that is entered into, delivered, amended, or renewed after June 30, 2014,**".

Page 2, line 29, delete "or" and insert "**contract or an**".

Page 2, after line 36, begin a new paragraph and insert:

"(b) A health maintenance organization that enters into a group contract or an individual contract described in subsection (a) may offer coverage for abortion through a rider or an endorsement."

(Reference is to HB 1123 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1119, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 32, delete "article or" and insert "**article, or to**".

Page 7, line 33, after "article" insert ",".

Page 7, line 41, after "broker-dealer;" insert "**and (C)**".

Page 8, line 2, beginning with "The" begin a new line block indented.

Page 8, line 6, delete "if:" and insert "**if the following apply:**".

Page 8, line 7, delete "the" and insert "**The**".

Page 8, line 18, delete ";" and insert ".".

Page 8, line 19, delete "for" and insert "**For**".

Page 8, line 28, delete "; and" and insert ".".

Page 8, line 29, delete "in all" and insert "**In all**".

(Reference is to HB 1119 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1110 as introduced.)

Committee Vote: Yeas 13, Nays 0.

KUBACKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1104, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, delete "the" and insert "**one (1) or more of the following:**

(i) The state gross retail tax on motor fuel imposed under IC 6-2.5-7.

(ii) The.

Page 2, between lines 5 and 6, begin a new line triple block indented and insert:

"(iii) The special fuel tax imposed under IC 6-6-2.5.

(iv) The motor carrier fuel tax imposed under IC 6-6-4.1, including the surcharge tax imposed under IC 6-6-4.1-4.5.

(E) Tolls.

(F) Any other mechanism the department determines is appropriate."

Page 2, delete lines 11 through 15 and insert "**state and local highways, roads, and streets.**

(4) The rating system by which the maintenance of the transportation infrastructure will be evaluated."

Page 2, line 19, delete "cost" and insert "**costs**".

Page 2, line 20, delete "to the standard" and insert "**under the rating system**".

Page 2, line 22, delete "Depending on the mechanism," and insert "**For each mechanism studied,**".

Page 2, delete lines 25 through 26, begin a new line block indented and insert:

"(4) Identify and discuss the following concerns for each mechanism studied:

(A) Privacy.

(B) Ease of use.

(C) Compliance.

(D) Revenue collection costs."

Page 2, between lines 28 and 29, begin a new line block indented and insert:

"(6) Identify and analyze the technologies supporting each mechanism studied."

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 6. Upon conclusion of the study, the department shall consider the appropriateness of implementing a voluntary pilot program based on one (1) or more of the mechanisms included in the study."

(Reference is to HB 1104 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Elections and Apportionment, to which was referred House Bill 1096, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1096 as introduced.)

Committee Vote: Yeas 12, Nays 0.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

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

(Reference is to HB 1095 as introduced.)

Committee Vote: Yeas 10, Nays 0.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Insurance, to which was referred House Bill 1058, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1058 as introduced.)

Committee Vote: Yeas 12, Nays 0.

LEHMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill

1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 16, delete "at least the following for each tax incentive:" and insert "**information about each tax incentive that is necessary to achieve the goals described in subsection (b), such as any of the following:**".

Page 3, line 12, delete "incentive, and reaching" and insert "**incentive.**".

Page 3, delete lines 13 through 15.

Page 4, line 6, after "advisable." insert "**Among other things, the commission and the legislative services agency are encouraged to include comparisons with tax incentives offered by other states if those comparisons would add value to the review, analysis, and evaluation.**".

Page 4, line 13, after "information." insert "**A state official or a state agency may require that the legislative services agency adhere to the provider's rules, if any, that concern the confidential nature of the information.**".

Page 4, delete lines 30 through 32.

Page 4, line 33, delete "(5)" and insert "(4)".

Page 4, between lines 40 and 41, begin a new line block indented and insert:

"(5) To the extent possible, an estimate of the indirect economic benefit or activity stimulated by the tax incentive.

The report required by this subsection must not disclose any proprietary or otherwise confidential taxpayer information."

Page 5, after line 15, begin a new paragraph and insert:

"(h) This section expires December 31, 2023."

Page 5, after line 15, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-12.1-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. The department of local government finance shall conduct an annual audit of one percent (1%) of the statement of benefits submitted by taxpayers who receive deductions under this chapter. A taxpayer audited under this section shall submit any books, records, or property requested by the department of local government finance for the purposes of verifying the information contained in the taxpayer's statement of benefits. Information submitted under this section is confidential and may not be disclosed to any person or agency that is not involved with the audit of the statement of benefits. The department of local government finance shall return information submitted under this section to the taxpayer not more than thirty (30) days after the audit is completed."

Renumber all SECTIONS consecutively.

(Reference is to HB 1020 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MESSMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 7, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HCR 7 as introduced.)

Committee Vote: Yeas 12, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Roads and Transportation, to which was referred House Concurrent Resolution 3, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HCR 3 as introduced.)

Committee Vote: Yeas 12, Nays 0.

SOLIDAY, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 7 were read a first time by title and referred to the respective committees:

HB 1394 — Morris

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1395 — Morris

Committee on Roads and Transportation

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

HB 1396 — Morris

Committee on Ways and Means

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

HB 1397 — Rhoads

Committee on Education

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

HB 1398 — Porter

Committee on Ways and Means

A BILL FOR AN ACT concerning taxation.

HB 1399 — Soliday

Committee on Local Government

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

HB 1400 — Lawson, Karickhoff, Errington

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1401 — Harman

Committee on Veterans Affairs and Public Safety

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

HB 1402 — Dermody

Committee on Ways and Means

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

HB 1403 — McMillin, VanNatter

Committee on Government and Regulatory Reform

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

- HB 1404** — Saunders
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.
- HB 1405** — Wesco
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1406** — Harman, Burton
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1407** — Dvorak
Committee on Commerce, Small Business and Economic Development
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- HB 1408** — Candelaria Reardon, Heuer
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1409** — Candelaria Reardon
Committee on Utilities and Energy
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1410** — Candelaria Reardon
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1411** — Candelaria Reardon
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1412** — Porter, Battles
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1413** — Porter, Battles
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1414** — Summers
Committee on Family, Children and Human Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1415** — Koch
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1416** — Lucas
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1417** — Candelaria Reardon
Committee on Government and Regulatory Reform

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

- HB 1418** — Porter
Committee on Courts and Criminal Code
A BILL FOR AN ACT to amend the Indiana Code concerning bias motivated offenses.

- HB 1419** — Leonard
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

- HB 1420** — Austin, Ober, Hale
Committee on Employment, Labor and Pensions
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1421 — **Withdrawn**

- HB 1422** — Austin, Truitt
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

RESOLUTIONS ON FIRST READING

House Resolution 1

Representative Messmer introduced House Resolution 1:

A HOUSE RESOLUTION congratulating Barr-Reeve High School girls volleyball team on its Class A volleyball state championship.

Whereas, Its fifth appearance in the volleyball state finals was a magic game for the Barr-Reeve High School girls volleyball team;

Whereas, The 38 - 2 Vikings defeated Lafayette Central Catholic 3 - 1 to win the school's first Class A state championship;

Whereas, Amber DeCoursey, the team's coach for 14 years and a standout basketball and volleyball player as a student at Barr-Reeve in the mid 1990s, led her team to victory after finishing as state championship runner-up in 1998, 2001, and 2008;

Whereas, The victory marked Barr-Reeve's fourth win over a top six opponent in its last five matches;

Whereas, The Vikings were led by Hania Sisco with 19 kills, Tiara Kenny converted on 10 kills, Jenna Knepp had an impressive 36 assists, and Hannah Bullock dug out 26 attempts on defense;

Whereas, The Indiana High School Athletic Association Executive Committee named senior Jenna Knepp as the winner of the Class A Mental Attitude Award, which honors players who excel in mental attitude, scholarship, leadership, and athletic ability in volleyball;

Whereas, As team captain, Jenna led the Vikings to their first state finals appearance since 2009 and was named to the Indiana Coaches of Girls Sports Association Class A First Team for her efforts; and

Whereas, Excellence in athletics is achieved through dedication and determination; the Barr-Reeve High School volleyball team has displayed outstanding ability and desire in achieving this level of excellence: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Barr-Reeve High School volleyball team on its recent victory in the Class A volleyball state championship and wishes the team members continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to team members Erin Healy, Elaina Kavanaugh, Dylan DeCoursey, Molly Chilton, Jenna Knepp, Allison Hoover, Tracy Graber, Hania Sisco, Macin Graber, Courtney Pruett, Makenzie Hudson, Kara Nicholson, Rachel Coudret, Peyton Lengacher, Bethanie Knepp, Tiara Kenney, Skylar Chestnut, Hannah Bullock, Courtney Lasher, Megan Graber, Leah Bullock, and Olivia Carroll; student managers Olivia Carroll, Rachel Coudret, Erin Healy, Makenzie Hudson, Elaina Kavanaugh, and Kara Nicholson; assistant coaches Mike James, Kerri Boyd, and Brittany Derr; coach Amber DeCoursey; Athletic Director Aaron Ash; Principal Jeff Doyle; and Superintendent Travis Madison.

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

House Resolution 2

Representatives V. Smith, Summers, Candelaria Reardon, Harris, Porter, Bartlett, C. Brown, Pryor and Shackelford introduced House Resolution 2:

A HOUSE RESOLUTION commemorating Dr. Martin Luther King, Jr. Day.

Whereas, January 21, 2014, will mark the 28th National Celebration of the holiday for Dr. Martin Luther King, Jr. and his fight for civil and human rights;

Whereas, Dr. Martin Luther King, Jr. and the Civil Rights Movement serve as a model of principled leadership and forward-thinking public policy;

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders who changed the nation forever through his leadership, service, and clarity of vision;

Whereas, Through his determination, spirit, and resolve, Dr. Martin Luther King, Jr. helped lift souls and lead one of the greatest movements for equality and freedom in history;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream", where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers", and of a time when "this nation will rise up and live out the true meaning of its creed, 'we hold these truths to be self evident: that all men are created equal'";

Whereas, Dr. Martin Luther King, Jr. dreamt of a better society where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, Dr. Martin Luther King, Jr. believed that liberty, justice, and freedom were the "inalienable rights" to which all men, women, and children are entitled;

Whereas, Dr. Martin Luther King, Jr. was a spiritual man who believed that all people are created equal in the sight of God and in the dignity and self-worth of every individual;

Whereas, Dr. Martin Luther King, Jr. gave his life defending his beliefs;

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, Dr. Martin Luther King, Jr. fought to change

public policy from the "self-inflicted wound of segregation to the pluralistic diverse democracy" we continue to construct today;

Whereas, Dr. Martin Luther King, Jr., a recipient of the Nobel Prize, is a national hero whose birthday is celebrated as a day of peace, love, and understanding by a grateful nation; and

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

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

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Dr. Martin Luther King, Jr.

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

HOUSE BILLS ON SECOND READING

House Bill 1063

Representative Huston called down House Bill 1063 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1063-1)

Mr. Speaker: I move that House Bill 1063 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(d) A compact entered into under this section may not change the rights, duties, or responsibilities of an existing:

(1) employment contract; or

(2) collective bargaining agreement;

between a school employee and a school corporation or a charter school. An employee of a school corporation who provides services to a charter school remains an employee of the school corporation."

Page 2, line 9, delete "(d)" and insert "(e)".

(Reference is to HB 1063 as printed January 14, 2014.)

HUSTON

Motion prevailed. The bill was ordered engrossed.

Called down Engrossed Senate Bill 1079 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1079

Representative Karickhoff called down Engrossed Senate Bill 1079 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1121

Representative Koch called down House Bill 1121 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1121-1)

Mr. Speaker: I move that House Bill 1121 be amended to read as follows:

Page 2, line 10, reset in roman "other individuals".

Page 2, line 10, after "individuals" insert ",".

Page 2, line 10, delete "attorneys".

Page 2, line 11, delete "licensed to practice law in Indiana,".

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"(b) If a designation under subsection (a)(3) does not include at least one (1) attorney licensed to practice law in Indiana, any review of the administrative law judge's proceedings shall be de novo."

Page 2, line 18, strike "(b)" and insert "(c)".

Page 2, line 21, strike "(c)" and insert "(d)".

Page 2, line 31, strike "(d)" and insert "(e)".

Page 3, line 4, strike "(e)" and insert "(f)".

Page 3, line 7, strike "(f)" and insert "(g)".

Page 3, line 10, delete "(g)" and insert "(h)".

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 4-21.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided in IC 22-9 and IC 22-9.5, **and subject to IC 4-21.5-3-9(b)**, this chapter establishes the exclusive means for judicial review of an agency action. However, a subpoena, discovery order, or protective order issued under this article may be contested only in an action for civil enforcement under IC 4-21.5-6-2."

Page 4, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 6. IC 4-21.5-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. Judicial review of disputed issues of fact must be confined to the agency record for the agency action supplemented by additional evidence taken under section 12 of this chapter. **Except as provided in IC 4-21.5-3-9(b)**, the court may not try the cause de novo or substitute its judgment for that of the agency."

Renumber all SECTIONS consecutively.

(Reference is to HB 1121 as printed January 14, 2014.)

KOCH

Motion prevailed.

HOUSE MOTION
(Amendment 1121-2)

Mr. Speaker: I move that House Bill 1121 be amended to read as follows:

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

"SECTION 1. IC 4-2-7-3, AS AMENDED BY P.L.126-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The inspector general shall do the following:

- (1) Initiate, supervise, and coordinate investigations.
- (2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.
- (3) Receive complaints alleging the following:
 - (A) A violation of the code of ethics.
 - (B) Bribery (IC 35-44.1-1-2).
 - (C) Official misconduct (IC 35-44.1-1-1).
 - (D) Conflict of interest (IC 35-44.1-1-4).
 - (E) Profiteering from public service (IC 35-44.1-1-5).
 - (F) A violation of the executive branch lobbying rules.
 - (G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.
- (4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:
 - (A) the governor; and
 - (B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.

(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.

(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.

(7) Ensure that every:

- (A) employee;
- (B) state officer;
- (C) special state appointee; and
- (D) person who has a business relationship with an agency;

is properly trained in the code of ethics.

(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.

(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.

(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.

(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.

(12) Accept and file information that:

- (A) is voluntarily supplied; and
- (B) exceeds the requirements of this chapter.

(13) Inspect financial disclosure forms.

(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.

(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and IC 35-44.1-1.

(16) Prepare interpretive and educational materials and programs.

(17) Provide a brief status update on investigations not later than one hundred eighty (180) days after the investigation is initiated. A status update under this subdivision must be posted on the state's transparency portal."

Renumber all SECTIONS consecutively.

(Reference is to HB 1121 as printed January 14, 2014.)

DVORAK

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 20: yeas 31, nays 63. Motion failed. The bill was ordered engrossed.

Representative Neese, who was excused is now present.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1004

Representative Behning called down Engrossed House Bill 1004 for third reading:

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

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

Roll Call 21: yeas 87, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Pete Miller.

Engrossed House Bill 1037

Representative Mahan called down Engrossed House Bill 1037 for third reading:

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

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

Roll Call 22: 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. Senate sponsors: Senators Crider, Holdman, Merritt and Arnold.

OTHER BUSINESS ON THE SPEAKER'S TABLE**Reassignments**

The Speaker announced the reassignment of House Bill 1066 from the Committee on Local Government to the Committee on Environmental Affairs.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1145 and 1222 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives VanDenburgh, Carbaugh, DeVon, Friend, Frye, Moed, Negele, Price, Richardson, Hamm, Lawson, Ziemke, Burton, Kirchofer, Kubacki, Rhoads, Soliday, Clere, Ubelhor, and Forestal be added as coauthors of House Bill 1004.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Battles be added as coauthor of House Bill 1013.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heuer and Austin be added as coauthors of House Bill 1020.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1040.

CULVER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heaton and Austin be added as coauthors of House Bill 1059.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1062.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dermody and DeVon be added as coauthors of House Bill 1065.

CULVER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1069.

ZIEMKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1075.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bacon and Moed be added as coauthors of House Bill 1076.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday, Slager and Lawson be added as coauthors of House Bill 1079.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

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

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Huston be added as coauthor of House Bill 1098.

MORRISON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stemler and Smaltz be added as coauthors of House Bill 1104.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Price and Morris be added as coauthors of House Bill 1126.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch and Battles be added as coauthors of House Bill 1132.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1141.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative McNamara be added as coauthor of House Bill 1145.

WASHBURN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1162.

BRAUN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Errington be added as coauthor of House Bill 1183.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Sullivan and Niezgodski be added as coauthors of House Bill 1187.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1206.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Messmer, Truitt Mahan be added as coauthors of House Bill 1213.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Turner and Macer be added as coauthors of House Bill 1222.

KUBACKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Bill 1229.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be removed as coauthor of House Bill 1231 and Representative Carbaugh be added as coauthor.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hale and Moed be added as coauthors of House Bill 1245.

HEATON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1247.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as coauthor of House Bill 1248.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as coauthor of House Bill 1290.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Baird and Lehe be added as coauthors of House Bill 1325.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smaltz be added as coauthor of House Bill 1406.

HARMAN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative V. Smith, the House adjourned at 11:50 a.m., this Sixteenth day of January, 2014, until Tuesday, January 21, 2014, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives