



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Forty-first Day

Wednesday Morning

April 5, 2017

The invocation was offered by Pastor Joel Larison, of Oakbrook Church in Kokomo, a guest of Representative Karickhoff.

The House convened at 11:00 a.m. with Speaker Pro Tempore, Bill Friend is in the Chair.

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

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 388: 87 present; 13 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, April 6, 2017, at 9:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

Representatives Moseley and Porter, who had been present, are now excused.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 472

Representative DeVon called down Engrossed Senate Bill 472 for third reading:

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

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

Roll Call 389: yeas 84, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Moseley and Porter, who had been excused, are now present.

Representative Eberhart who had been present, is now excused.

Engrossed Senate Bill 447

Representative Frizzell called down Engrossed Senate Bill 447 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 390: yeas 88, 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 Zent called down Engrossed Senate Bill 408 for third reading:

A BILL FOR AN ACT concerning criminal law and procedure.

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

Roll Call 391: yeas 88, 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 V. Smith who had been present, is now excused.

Engrossed Senate Bill 402

Representative Kirchofer called down Engrossed Senate Bill 402 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 392: yeas 87, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives V. Smith, Moed, Summers and Shackleford, who had been excused, are now present.

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

Engrossed Senate Bill 324

Representative Steuerwald called down Engrossed Senate Bill 324 for third reading:

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

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

Roll Call 393: yeas 72, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 190

Representative Washburne called down Engrossed Senate Bill 190 for third reading:

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

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

Roll Call 394: yeas 90, nays 10. 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 BILLS
ON SECOND READING**

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 29, 30, 196, 279, 337 and 516.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:58 p.m. with the Speaker in the Chair.

**ENGROSSED SENATE BILLS
ON SECOND READING**

Engrossed Senate Bill 15

Representative Friend called down Engrossed Senate Bill 15 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 15-1)**

Mr. Speaker: I move that Engrossed Senate Bill 15 be amended to read as follows:

Page 2, line 35, delete "The" and insert "**Except as provided in subsection (e), the**".

Page 3, line 1, delete "The" and insert "**Except as provided in subsection (e), the**".

Page 3, after line 8, begin a new paragraph and insert:

"(e) The defense requirements set forth in subsection (d)(2) and (d)(4) do not apply if:

- (1) the substance at issue has been approved by the federal Food and Drug Administration or the federal Drug Enforcement Agency as a prescription drug; and**
- (2) the substance was prescribed and dispensed in accordance with the federal approval described in subdivision (1)."**

(Reference is to ESB 15 as printed April 3, 2017.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 191

Representative Cherry called down Engrossed Senate Bill 191 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 191-1)**

Mr. Speaker: I move that Engrossed Senate Bill 191 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 39.

Page 6, delete lines 34 through 42.

Delete page 7.

Renumber all SECTIONS consecutively.

(Reference is to ESB 191 as printed March 24, 2017.)

SMALTZ

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 213

Representative Ober called down Engrossed Senate Bill 213 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 213-1)**

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning utilities.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2017] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and

telecommunications established by IC 2-5-1.3-4(8).

(c) The legislative council is urged to assign to the committee during the 2017 legislative interim the topic of local permitting for the construction, installation, modification, or siting of wireless facilities or wireless support structures.

(d) If the topic described in subsection (c) is assigned to the committee, the committee may:

(1) consider, as part of its study:

(A) the construction, placement, and use of small cell facilities and associated supporting structures, including placements in public rights-of-way;

(B) the construction, placement, or use of small cell facilities on utility poles owned or controlled by governmental units;

(C) the installation, placement, maintenance, or replacement of micro wireless facilities; and

(D) any other matter concerning permitting for wireless facilities or wireless support structures that the committee considers appropriate; and

(2) request information from:

(A) communications service providers and customers;

(B) local government officials and representatives; and

(C) any experts, stakeholders, or other interested parties;

concerning the issues set forth in subdivision (1).

(e) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific issues described in subsection (d)(1), in an electronic format under IC 5-14-6 not later than November 1, 2017.

(f) This SECTION expires December 31, 2017.

(Reference is to ESB 213 as printed March 31, 2017.)

OBBER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 246

Representative Carbaugh called down Engrossed Senate Bill 246 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 246-1)

Mr. Speaker: I move that Engrossed Senate Bill 246 be amended to read as follows:

Page 1, line 8, delete "or".

Page 1, line 16, after ":", insert "or

(C) in a newborn safety device that was installed on January 1, 2017, and is located at a site that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1);".

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"(e) A newborn safety device described in subsection (a)(1)(C) may continue to operate without meeting the conditions set forth in subsection (a)(1)(B)."

Page 3, line 17, delete "that:" and insert "described in IC 31-34-2.5-1(a)(1)(B) or IC 31-34-2.5-1(a)(1)(C); or".

Page 3, delete lines 18 through 24.

(Reference is to ESB 246 as printed April 3, 2017.)

HEINE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 322

Representative Steuerwald called down Engrossed Senate Bill 322 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 322-2)

Mr. Speaker: I move that Engrossed Senate Bill 322 be amended to read as follows:

Page 5, delete lines 32 through 42.

Page 6, delete lines 1 through 13.

Page 7, delete lines 30 through 42.

Renumber all SECTIONS consecutively.

(Reference is to ESB 322 as printed April 3, 2017.)

MAYFIELD

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 353

Representative Carbaugh called down Engrossed Senate Bill 353 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 353-1)

Mr. Speaker: I move that Engrossed Senate Bill 353 be amended to read as follows:

Page 6, line 22, reset in roman "only".

Page 6, line 22, delete "or".

Page 6, line 23, delete "commercial".

Page 6, line 28, reset in roman "the residential".

Page 6, line 34, reset in roman "residential".

Page 6, line 38, reset in roman "residential".

Page 7, line 2, after "coverage;" insert "or".

Page 7, line 4, delete "property; or" and insert "property".

Page 7, delete lines 5 through 7.

Page 7, line 14, after "coverage;" insert "or".

Page 7, line 16, delete "or" and insert "and".

Page 7, delete lines 17 through 19.

Page 7, line 34, reset in roman "residential".

Page 8, delete lines 27 through 33, begin a new paragraph and insert:

"SECTION 14. IC 24-5-11-7.5, AS ADDED BY P.L.82-2012, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) As used in this chapter, "real property" or "residential real property" means real property that:

(1) contains one (1) to four (4) units; and

(2) is used in whole or in part as a dwelling of a consumer.

(b) The term includes all fixtures to, structures on, and improvements to the real property."

Page 8, line 38, delete "or commercial".

Page 10, line 11, delete "(c)(9)" and insert "(c)(8)".

Page 11, line 32, delete "policy" and insert "policy,".

Page 11, line 32, delete "described in section".

Page 11, line 33, delete "2.6(1) or 2.6(2) of this chapter,".

Page 12, line 32, delete "policy" insert "policy,".

Page 12, line 33, delete "described in section 2.6(1) or 2.6(2) of this".

Page 12, line 34, delete "chapter.".

Page 13, delete lines 7 through 24.

Page 13, line 25, delete "(9)" and insert "(8)".

Page 14, line 7, delete "The contract described in subsection (a)" and insert "A real property improvement contract".

Page 14, line 9, delete "The" and insert "A".

Page 14, line 39, delete "policy" and insert "policy,".

Page 14, line 40, delete "described in section 2.6(1) or 2.6(2) of this chapter,".

Page 18, line 13, delete "IC 24-5-11-10(i)" and insert "IC 24-5-11-10(h)".

Renumber all SECTIONS consecutively.

(Reference is to ESB 353 as printed April 3, 2017.)

CARBAUGH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 358

Representative Smaltz called down Engrossed Senate Bill 358 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 358-2)

Mr. Speaker: I move that Engrossed Bill 358 be amended to read as follows:

Page 1, line 4, after "Assembly" insert ", consistent with the character of the business test described in section 19 of this chapter,".

Page 1, line 7, after "Assembly" insert ", consistent with the character of the business test described in section 19 of this chapter,".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19. Character of the Business Test. (a) Whenever the character of the business in which an applicant is engaged is material to his the applicant's being issued a permit under this article, or is material to his the applicant's being qualified to continue to hold the permit, it must be made to appear to the satisfaction of the commission that a substantial portion of the business carried on, or to be carried on, in the premises in respect to which a permit is applied for is in the nature of the applicant's main business function in the premises.

(b) The commission shall apply the intent of the General Assembly, as described in section 1.5 of this chapter, when considering the character of an applicant's business, as described in subsection (a)."

Renumber all SECTIONS consecutively.
(Reference is to ESB 358 as printed April 3, 2017.)

SMALTZ

Motion prevailed.

HOUSE MOTION
(Amendment 358-1)

Mr. Speaker: I move that Engrossed Senate Bill 358 be amended to read as follows:

Page 1, delete lines 11 through 17, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-20-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) Except as provided in section 9.6 of this chapter, after May 14, 2017, the commission may not:

- (1) issue a new retailer's permit;
- (2) approve the transfer of a retailer's permit; or
- (3) approve the renewal of a retailer's permit;

for the sale of alcoholic beverages for carryout to an establishment that is a restaurant within a grocery store, convenience store, or drug store.

(b) This section expires July 1, 2019.

SECTION 3. IC 7.1-3-20-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.6. (a) As used in this section, "store" means a grocery store, convenience store, or drug store.

(b) Any establishment that was issued a retailer's permit before May 15, 2017, that allows the permittee to sell or provide alcoholic beverages for carryout may continue to sell or provide carryout after May 14, 2017, unless the retailer's permit is revoked or is suspended. This section applies to any establishment issued a retailer's permit, including a restaurant that is located within a store."

Delete page 2.

Page 3, delete lines 1 through 36.

Page 3, line 37, delete "IC 7.1-3-20-9.6" and insert "IC 7.1-3-20-9.7".

Page 3, line 39, delete "9.6." and insert "9.7."

Page 3, line 40, delete "This section applies".

Page 3, delete lines 41 through 42.

Page 4, delete line 1.

Page 7, line 40, delete "IC 7.1-3-20-9.6." and insert "IC 7.1-3-20-9.7".

Renumber all SECTIONS consecutively.

(Reference is to ESB 358 as printed April 3, 2017.)

COOK

Motion prevailed.

HOUSE MOTION
(Amendment 358-10)

Mr. Speaker: I move that Engrossed Senate Bill 358 be amended to read as follows:

Page 8, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) The legislative council is urged to establish a study committee, during the 2017 legislative interim, to:

- (1) evaluate and study Title 7.1 and consider the inconsistencies, conflicts, and redundancies within the title;
- (2) propose statutory changes to improve Title 7.1;
- (3) evaluate and study alcohol permits issued by the alcohol and tobacco commission, including:

- (A) the different types of permits issued;
- (B) permit requirements; and
- (C) commission practices;

- (4) study permit quota system data including the number of permit types; and
- (5) study permitting requirements for alcohol retailers, including the requirements for different types of permits.

(c) If a study committee is established and assigned the topics described in subsection (b), the study committee shall, not later than November 1, 2017, issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6.

(e) This SECTION expires December 31, 2017."

Renumber all SECTIONS consecutively.

(Reference is to ESB 358 as printed April 3, 2017.)

AUSTIN

Motion prevailed.

HOUSE MOTION
(Amendment 358-7)

Mr. Speaker: I move that Engrossed Senate Bill 358 be amended to read as follows:

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

"SECTION 1. IC 4-22-2-20, AS AMENDED BY P.L.53-2014, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, or the governor under this chapter or to the members of the standing committees on public policy of the two (2) houses of the general assembly as described in section 34.5 of this chapter, the agency shall submit the rule in the form of a written document that:

- (1) is clear, concise, and easy to interpret and to apply; and
- (2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, All documents submitted to the publisher under this chapter must be submitted electronically in

the format specified by the publisher.

(c) Except as otherwise permitted under section 21 of this chapter, all documents related to a proposed or adopted rule submitted by the alcohol and tobacco commission created by IC 7.1-2-1-1 to the members of the standing committees on public policy of the two (2) houses of the general assembly must be submitted in an electronic format under IC 5-14-6.

SECTION 2. IC 4-22-2-34, AS AMENDED BY P.L.123-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The governor may approve or disapprove a rule submitted under section 33 of this chapter with or without cause.

(b) Except as provided in subsection (c), the governor has fifteen (15) days from the date that an agency submits a rule under section 33 of this chapter to approve or disapprove the rule. However, the governor may take thirty (30) days to approve or disapprove the rule if the governor files a statement with the publisher within the first fifteen (15) days after an agency submits the rule that states that the governor intends to take an additional fifteen (15) days to approve or disapprove the rule. If the governor neither approves nor disapproves the rule within the allowed period, the rule is deemed approved, and the agency may submit the rule to the publisher without the approval of the governor.

(c) This subsection applies to a rule submitted to the governor under section 33 of this chapter by the alcohol and tobacco commission created by IC 7.1-2-1-1. The governor has fifteen (15) days from the date that the alcohol and tobacco commission submits a rule under section 33 of this chapter to approve or disapprove the rule. However, the governor may take thirty (30) days to approve or disapprove the rule if the governor files a statement with the publisher within the first fifteen (15) days after the alcohol and tobacco commission submits the rule that states that the governor intends to take an additional fifteen (15) days to approve or disapprove the rule. If the governor neither approves nor disapproves the rule within the allowed period, the rule is considered approved, and the alcohol and tobacco commission may submit the rule to the members of the standing committees on public policy of the two (2) houses of the general assembly as described in section 34.5 of this chapter without the approval of the governor.

SECTION 3. IC 4-22-2-34.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34.5. (a) This section applies to rulemaking actions by the alcohol and tobacco commission created by IC 7.1-2-1-1 for which a notice of public hearing is caused to be published by the alcohol and tobacco commission in the Indiana Register after June 30, 2017, under section 24 of this chapter.

(b) After a rule has been approved or considered approved under section 34 of this chapter, the alcohol and tobacco commission shall submit the rule to the members of the standing committees on public policy of the two (2) houses of the general assembly for review. The alcohol and tobacco commission shall submit the following to the publisher for review by the members of the standing committees on public policy of the two (2) houses of the general assembly in the form specified by the publisher:

- (1) The rule in the form required by section 20 of this chapter.
- (2) The documents required by section 21 of this chapter.
- (3) A transcript or summary of any public hearing on the rule, including public hearings or conferences held to solicit comments about the need for a rule, the drafting of a rule, or any other subject related to the rulemaking action for the rule.
- (4) A summary of comments received by the agency

and any response by the agency to the comments.

(5) Any fiscal impact statement, including any supporting data, studies, or analysis required by section 28 or 40 of this chapter.

(6) Any economic impact statement, including any supporting data, studies, or analysis required by IC 4-22-2.1-5.

(7) Any proposals submitted under IC 13-14-8-2 or IC 13-14-8-5 that are applicable to the rule.

(8) Any other:

(A) documents or information requested by the administrative rules review committee;

(B) documents or information required to be submitted to the attorney general or governor with a rule for approval under sections 31 through 34 of this chapter; and

(C) documents or information demonstrating approval by the attorney general and governor under sections 31 through 34 of this chapter.

(c) A rule must be:

(1) reviewed by the standing committees on public policy of the two (2) houses of the general assembly; and

(2) approved in a bill enacted under Article 4 of the Constitution of the State of Indiana;

before the publisher may accept the rule for filing under section 35 of this chapter.

SECTION 4. IC 4-22-2-35, AS AMENDED BY P.L.123-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) When After a rule has been:

(1) approved or deemed approved by the governor within the period allowed by section 25 of this chapter; or

(2) approved the general assembly under section 34.5(c) of this chapter;

the agency shall immediately submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The agency shall submit to the publisher the copies of the rule and other documents specified in section 31 of this chapter.

(c) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time the rule is accepted.

SECTION 5. IC 4-22-2-40, AS AMENDED BY P.L.53-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 40. (a) At any time before a rule is accepted for filing by the publisher under section 35, 37.1, or 38 of this chapter, the agency that adopted the rule may recall it. A rule may be recalled regardless of whether:

(1) the rule has been disapproved by the attorney general under section 32 of this chapter; or

(2) the rule has been disapproved by the governor under section 34 of this chapter; or

(3) the rule has been reviewed by the standing committees on public policy of the two (2) houses of the general assembly under section 34.5 of this chapter.

(b) Sections 24 through 38 of this chapter do not apply to a recall action under this section. However, the agency shall distribute a notice of its recall action to the publisher for publication in the Indiana Register. Sections 24 and 26 of this chapter do not apply to a readoption action under subsection (c).

(c) After an agency recalls a rule, the agency may reconsider its adoption action and adopt an identical rule or a revised rule. However, if sections 24 through 36 of this chapter apply to the recalled rule, the readopted rule must comply with the requirements under section 29 of this chapter.

(d) The recall of a rule under this section voids any approval

given after the rule was adopted and before the rule was recalled.

- (e) If a rule is:
 - (1) subject to sections 31, ~~and 33,~~ **and 34.5** of this chapter;
 - (2) recalled under subsection (a); and
 - (3) readopted under subsection (c);

the agency shall resubmit the readopted version of the recalled rule to the attorney general and the governor for approval, **and the standing committees on public policy of the two (2) houses of the general assembly for review.** The attorney general and the governor have the full statutory period to approve or disapprove the readopted rule. If the recalled rule was submitted to the office of management and budget under section 28 of this chapter, the agency shall resubmit the readopted version of a recalled rule to the office of management and budget with sufficient information for the office of management and budget to evaluate whether its initial fiscal impact statement under section 28 of this chapter needs to be revised. The office of management and budget shall revise a fiscal impact statement under section 28 of this chapter if the fiscal impact of the readopted rule is substantially different from the recalled rule. The agency also shall comply with any other applicable approval requirement provided by statute.

(f) The readopted version of a recalled rule is effective only after the agency has complied with section 35, 37.1, or 38 of this chapter."

Renumber all SECTIONS consecutively.
(Reference is to ESB 358 as printed April 3, 2017.)

FORESTAL

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 416

Representative Ober called down Engrossed Senate Bill 416 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 416-1)

Mr. Speaker: I move that Engrossed Senate Bill 416 be amended to read as follows:

Page 14, delete lines 40 through 42, begin a new paragraph and insert:

"(b) As used in this section, "water or wastewater utility" means:

- (1) a public utility, as defined in section 1(a) of this chapter;**
- (2) a municipally owned utility, as defined in section 1(h) of this chapter; or**
- (3) a not-for-profit utility, as defined in section 125(a) of this chapter;**

that provides water or wastewater service to the public.

(c) Upon request by a water or wastewater utility in a general rate case, the commission may allow, but may not require, a water or wastewater utility to establish a customer assistance program that:

- (1) uses state or federal infrastructure funds; or**
- (2) provides financial relief to residential customers who qualify for income related assistance.**

A customer assistance program established under this subsection that affects rates and charges for service is not discriminatory for purposes of this chapter or any other law regulating rates and charges for service. In considering whether to approve a water or wastewater utility's proposed customer assistance program, the commission shall determine that a customer assistance program established under this subsection furthers the interests set forth in section 0.5 of this chapter and is in the public interest."

Page 15, delete lines 1 through 17.

Page 21, delete lines 14 through 33, begin a new paragraph and insert:

"SECTION 22. IC 13-18-16-8, AS AMENDED BY SEA 421-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements for public water systems, including the following:

- (1) The requirement to obtain a permit for the construction, installation, or modification of facilities, equipment, or devices for any public water system.
- (2) The requirement to obtain a permit for the operation of sources, facilities, equipment, or devices for any public water system.

(b) The board shall adopt a permit by rule for water main extensions (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in section 1(a) of this chapter.

(c) The board may adopt rules ~~under IC 4-22-2 and IC 13-14-9 establishing requirements for the development of surface water quality threat minimization and response plans under section 7.5 of this chapter:~~ **to carry out the intent of this chapter related to requirements necessary to protect the safety of the public water supply."**

(Reference is to ESB 416 as printed April 3, 2017.)

OBER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 478

Representative Lehman called down Engrossed Senate Bill 478 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 478-2)

Mr. Speaker: I move that Engrossed Senate Bill 478 be amended to read as follows:

Page 1, line 14, delete "to:" and insert **"to the following:"**.

Page 1, line 15, delete "a negotiation" and insert **"A negotiation"**.

Page 2, line 2, delete "infrastructure;" and insert **"infrastructure."**

Page 2, line 3, delete "an" and insert **"An"**.

Page 2, delete line 5, and insert **"easement."**

Page 2, line 6, delete "communications" and insert **"Communications"**.

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

"(7) The attachment or installation of communications infrastructure on underground or buried electric facilities within an electric easement."

Page 3, line 42, delete "zip" and insert **"ZIP"**.

Page 4, between lines 33 and 34, begin a new line double block indented and insert:

"(I) Subject to subsections (f) and (g), a written plan for making broadband Internet service available within the electricity supplier's electric service territory, including the following information:

- (i) A description of the proposed area or areas in which the broadband Internet service is to be made available.**
- (ii) A map of the proposed area or areas identified under item (i).**
- (iii) A proposed timetable for making broadband Internet service available in the area or areas identified under item (i).**
- (iv) A statement as to whether the electricity supplier, an affiliated entity, or a third party would provide the broadband Internet service to be made available.**
- (v) The anticipated costs to the electricity supplier's members of any infrastructure necessitated by the plan."**

Page 5, between lines 22 and 23, begin a new paragraph and

insert:

"(f) This section does not require an electricity supplier, an affiliated entity of an electricity supplier, or a communications service provider to disclose confidential and proprietary business plans and other confidential information.

(g) The failure of an electricity supplier to:

- (1) make broadband Internet service available in any area identified in the plan required by subsection (b)(2)(I);**
- (2) meet the proposed timetable for making broadband Internet service available in any area identified in the plan required by subsection (b)(2)(I);**
- (3) accurately estimate the costs to the electricity supplier's members of any infrastructure necessitated by the plan required by subsection (b)(2)(I); or**
- (4) otherwise take any actions described in, or related to, the plan required by subsection (b)(2)(I);**

does not create any liability with respect to the electricity supplier beyond that which would otherwise apply under applicable law and, except as provided in section 1(c) of this chapter, does not preclude the electricity supplier from using the procedures set forth in this chapter."

Page 8, line 27, delete "section." and insert "subsection."
(Reference is to ESB 478 as printed April 3, 2017.)

HATFIELD

Motion prevailed.

Representative Behning, Cook and Smaltz, who had been present, are now excused.

Representatives T. Brown, Canderlaria Reardon, Eberhart, Huston, Lehman, Speedy and Wolkins, who had been excused, are now present.

HOUSE MOTION
(Amendment 478-1)

Mr. Speaker: I move that Engrossed Senate Bill 478 be amended to read as follows:

Page 10, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 17. (a) This section applies to an electricity supplier that:

- (1) installs new communications infrastructure; or**
- (2) makes capacity available for communications service through existing communications infrastructure;**

within the electricity supplier's electric service territory.

(b) An electricity supplier described in subsection (a):

- (1) shall not provide subsidies for:**
 - (A) communications infrastructure installed; or**
 - (B) communications service made available through communications infrastructure;**

within the electricity supplier's electric service territory;

(2) shall administer, operate, and maintain the electricity supplier's electric system as a separate department in all respects; and

(3) shall not directly or indirectly commingle electric system funds or accounts, or otherwise consolidate or combine the financing of the electric system, with the funds, accounts, or financing of any of the electricity supplier's other operations.

Sec. 18. The annual rental rate for the attachment of communications service facilities on a utility pole that is owned or controlled by an electricity supplier shall not exceed the annual recurring rate that would apply under 47 U.S.C. 224(d) if the electricity supplier's pole attachment rates were subject to regulation by the Federal Communications Commission."

(Reference is to ESB 478 as printed April 3, 2017.)

OBER

HOUSE MOTION

Mr. Speaker: I move that the motion to amend be divided under Rule 81 so that the House may vote separately on Sec. 17 and Sec. 18.

PIERCE

The Speaker ordered the roll of the House to be called. Roll Call 395: yeas 61, nays 31. Motion prevailed.

The question then was shall the portion of the amendment containing Sec. 17 be adopted? Question failed.

The question then was shall the portion of the amendment containing Sec. 18 be adopted? Question prevailed.

There being no further amendments, the bill was ordered engrossed.

Representatives Behning, Cook and Smaltz, who had been excused, are now present.

Engrossed Senate Bill 558

Representative Eberhart called down Engrossed Senate Bill 558 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 558-2)

Mr. Speaker: I move that Engrossed Bill 558 be amended to read as follows:

Page 4, line 6, delete "IC 36-1-24" and insert "IC 36-1-24.2".

Page 4, line 9, delete "24." and insert "24.2".

Page 5, line 9, delete "IC 36-1-24-2)" and insert "**IC 36-1-24.2-2)**".

Page 5, line 13, delete "IC 36-1-24-1(1) or IC 36-1-24-1(2);" and insert "**IC 36-1-24.2-1(1) or IC 36-1-24.2-1(2);**".

Page 5, line 15, delete "IC 36-1-24" and insert "**IC 36-1-24.2**".

(Reference is to ESB 558 as printed April 3, 2017.)

EBERHART

Motion prevailed.

HOUSE MOTION
(Amendment 558-1)

Mr. Speaker: I move that Engrossed Senate Bill 558 be amended to read as follows:

Page 3, line 13, after "unit" insert ".".

Page 3, line 13, delete "when all of the following conditions are".

Page 3, delete lines 14 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 558 as printed April 3, 2017.)

EBERHART

Motion prevailed.

HOUSE MOTION
(Amendment 558-4)

Mr. Speaker: I move that Engrossed Senate Bill 558 be amended to read as follows:

Page 3, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 3. IC 32-31-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) This section does not apply to the following:

(1) A local housing authority (as described in IC 36-7-18).

(2) A federal housing authority.

(3) Persons of low income (as described in IC 36-7-18-3):

(A) seeking placement; or

(B) placed;

into housing by a local or federal housing authority.

(b) The residential landlord-tenant statute (as defined in IC 32-31-2.9-2) does not prohibit an owner or a landlord from refusing to rent a rental unit on the basis of a reasonable occupancy standard.

(c) For purposes of this section, an occupancy standard is presumed reasonable if:

- (1) it permits two (2) individuals per bedroom; and
- (2) the owner or landlord:
 - (A) does not include infants less than one (1) year of age in the individuals per bedroom count under subdivision (1); and
 - (B) increases the number of individuals per unit by considering whether the configuration of a unit includes a:

- (i) den;
- (ii) library;
- (iii) finished basement; or
- (iv) loft;

that could reasonably be used as a sleeping area, unless doing so would violate applicable state and local codes, including fire codes.

(d) An owner or landlord is not required to consider a kitchen, dining room, living room, bathroom, hallway, or closet as a sleeping area."

Page 4, delete lines 1 through 5.

Page 4, between lines 10 and 11, begin a new paragraph and insert:

"Sec. 1. This chapter does not apply to the following:

- (1) A local housing authority (as described in IC 36-7-18).
- (2) A federal housing authority.
- (3) Persons of low income (as described in IC 36-7-18-3):
 - (A) seeking placement; or
 - (B) placed;

into housing by a local or federal housing authority."

Page 4, line 11, delete "Sec. 1." and insert "Sec. 2."

Page 4, line 21, delete "Sec. 2." and insert "Sec. 3."

Page 4, line 24, delete "1(1) or 1(2)" and insert "2(1) or 2(2)".

Page 4, line 26, delete "1(1) or 1(2)" and insert "2(1) or 2(2)".

Page 4, line 33, delete "Sec. 3." and insert "Sec. 4."

Page 4, line 40, "1(1) or 1(2)" and insert "2(1) or 2(2)".

Page 4, line 41, delete "Sec. 4." and insert "Sec. 5."

Page 5, line 1, "1(1) or 1(2)" and insert "2(1) or 2(2)".

Page 5, line 6, delete "Any:" and insert "(a) Except as provided in subsection (b), any:".

Page 5, between lines 15 and 16, begin a new paragraph and insert:

"(b) This section does not apply to the following:

- (1) A local housing authority (as described in IC 36-7-18).
- (2) A federal housing authority.
- (3) Persons of low income (as described in IC 36-7-18-3):
 - (A) seeking placement; or
 - (B) placed;

into housing by a local or federal housing authority."

Renumber all SECTIONS consecutively.

(Reference is to ESB 558 as printed April 3, 2017.)

DELANEY

Motion withdrawn.

HOUSE MOTION
(Amendment 558-3)

Mr. Speaker: I move that Engrossed Senate Bill 558 be amended to read as follows:

Page 3, delete lines 36 through 42, begin a new line double block indented and insert:

"(B) increases the number of individuals per unit by considering:

- (i) whether the configuration of a unit includes a den, library, finished basement, living room, dining room, or loft that could reasonably be used as a sleeping area, unless doing so would violate applicable local or state codes, including fire codes;
- (ii) the ages of the children of the renter; and
- (iii) the square footage allowed by local codes for occupancy of a dwelling.

(c) An owner or landlord is not required to consider a kitchen, bathroom, hallway, or closet as a sleeping area."

Page 4, delete lines 1 through 5.

(Reference is to ESB 558 as printed April 3, 2017.)

DELANEY

Motion withdrawn. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:42 p.m. with the Speaker in the Chair.

Upon request of Representative Pierce, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 396: 67 present. The Speaker declared a quorum present.

MOTIONS TO DISSENT
FROM SENATE AMENDMENTS
HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1002 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SOLIDAY

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Resolution 57

Representative Karickhoff introduced House Resolution 57:

A HOUSE RESOLUTION recognizing Martino's Italian Villa on its induction into the Pizza Hall of Fame.

Whereas, Martino's Italian Villa is well known in Kokomo;

Whereas, Recently, Martino's Italian Villa garnered some national recognition;

Whereas, Martino's Italian Villa was inducted into the Pizza Hall of Fame, which is operated by PMQ Pizza Magazine, the pizza industry's largest business publication;

Whereas, Martino's Italian Villa is only the third Hoosier pizzeria to be inducted into the Pizza Hall of Fame;

Whereas, Restaurant co-owner Mike Martino credits the restaurant's 55-year-old recipes for this honor;

Whereas, Angela Martino and her late husband, Frank, started Martino's Italian Villa in 1962;

Whereas, Angela Martino began developing the basis for the recipes used at Martino's Italian Villa shortly after immigrating to the United States from Italy in 1947 at the age of 11;

Whereas, While in New York and Rhode Island, Angela learned to cook with individuals from her hometown in Italy

and, with Frank's help, put these skills together and began developing the now-famous pizza recipe still used at Martino's Italian Villa today; and

Whereas, Institutions such as Martino's Italian Villa are what help to make Indiana known throughout the nation for its Hoosier hospitality: Therefore,

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

SECTION 1. That the members of the Indiana House of Representatives congratulate Mike Martino and Martino's Italian Villa on the restaurant's induction into the Pizza Hall of Fame and thank him for all the delicious food he has provided to the citizens of Kokomo and the surrounding area.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Angela Martino and Mike Martino.

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

House Resolution 58

Representative Morris introduced House Resolution 58:

A HOUSE RESOLUTION urging the government of Turkey to cease its discrimination against the Ecumenical Patriarchate of the Orthodox Christian Church.

Whereas, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the sacred See that presides in a spirit of brotherhood over a communion of the self-governing churches of the Orthodox Christian world;

Whereas, The See is led by Ecumenical Patriarch Bartholomew, who is 270th in direct succession to St. Andrew the Apostle and holds titular primacy as *primus inter pares*, meaning "first among equals", in the community of Orthodox Christian churches worldwide;

Whereas, In 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, bringing together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region;

Whereas, In 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew a Congressional Gold Medal;

Whereas, Following the September 11, 2001, terrorist attacks on our nation, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders condemning the attacks as "antireligious";

Whereas, In November 2005, the ecumenical patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action;

Whereas, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide, with more than 2 million members in the United States;

Whereas, Since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims;

Whereas, This religious coexistence is in jeopardy because the government of Turkey has not recognized the rights and religious freedoms of the Ecumenical Patriarchate, which is

considered a minority religion by the Turkish government;

Whereas, The Turkish government has limited eligibility to hold the office of ecumenical patriarch to only Turkish nationals;

Whereas, From the millions of Orthodox Christians living in Turkey at the turn of the 20th century, there are fewer than 3,000 of the ecumenical patriarch's flock in Turkey today;

Whereas, The Turkish government has not honored its agreement to reopen the Theological School on the island of Halki, closed by the government in 1971, impeding training for Orthodox Christian clergy;

Whereas, The Turkish government has confiscated nearly 94 percent of the properties of the Ecumenical Patriarchate and has placed a 42 percent tax, retroactive to 1999, on the Hospital of Baloukli and Home for the Elderly, a charity hospital run by the Ecumenical Patriarchate;

Whereas, The European Union, a group of nations with a common goal of promoting peace and the well-being of its people, began accession negotiations with Turkey on October 3, 2005;

Whereas, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights;

Whereas, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership criteria of the European Union;

Whereas, The Turkish government's treatment of Ecumenical Patriarch Bartholomew affects Orthodox Christians in Indiana and throughout the United States; and

Whereas, In November 2006, the archons of the Ecumenical Patriarchate of the order of St. Andrew the Apostle, a group of laymen, each of whom has been honored with a patriarchal title, or "offikion", by the ecumenical patriarch for their outstanding service to the Orthodox Church, sent an American delegation to Turkey to meet with Turkish government officials and the United States ambassador to the Republic of Turkey regarding the Turkish government's treatment of the Ecumenical Patriarchate: Therefore,

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

SECTION 1. That the members of the Indiana House of Representatives urge the government of Turkey to cease its discrimination against the Ecumenical Patriarchate of the Orthodox Christian Church.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States, the United States ambassador to the Republic of Turkey, and the ambassador of the Republic of Turkey to the United States.

The resolution was read a first time and referred to the Committee on Interstate and International Cooperation.

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Behning and Moed:

A CONCURRENT RESOLUTION honoring the 38th Infantry Division on the occasion of its 100th anniversary.

Whereas, The 38th Infantry Division, known as "The Cyclone Division," will celebrate its 100th anniversary throughout 2017;

Whereas, In August 1917, the 38th Infantry Division was activated as a National Guard Division composed of units from Indiana, Kentucky, and West Virginia;

Whereas, In April 1918, the 38th Infantry Division's initial training camp, located in Camp Shelby, Mississippi, was struck by a tornado, and upon assumption of command in August 1918, Major General Robert L. Howze commemorated the event by giving the 38th Infantry Division the nickname, "The Cyclone Division";

Whereas, The 150th field artillery regiment was the only unit of the 38th Infantry Division to see combat;

Whereas, 301 soldiers died during the Great War, 105 from combat, 47 from wounds, and 149 from accidents and disease;

Whereas, The 38th Infantry Division was inactivated after the Great War, and subsequently reconstituted and reorganized in the National Guard on the 16th of March, 1923;

Whereas, The 38th Infantry Division was activated for federal service on the 17th of January, 1941, in response to the start of World War II;

Whereas, The 38th Infantry Division participated in the New Guinea, Southern Philippines, and Luzon campaigns, earning the nickname, "Avengers of Bataan";

Whereas, The 38th Infantry Division was demobilized and deactivated from federal service on the 9th of November, 1945;

Whereas, Company D (Ranger), 151st Infantry of the 38th Infantry Division was one of only a few National Guard units mobilized for service in the Republic of Vietnam, and was one of the most highly decorated units to serve in the Vietnam conflict;

Whereas, Since the 11th of September, 2001, the 38th Infantry Division has contributed significantly to the United States' security to include Operation Iraqi Freedom in Iraq, Operation Enduring Freedom in Afghanistan, Operation Joint Forge in Bosnia, and Operation Joint Guardian in Kosovo;

Whereas, On the 2nd of January, 2003, the 1st Battalion 293rd Infantry Regiment of the 76th Infantry Brigade, of the 38th Infantry Division, became the first National Guard infantry unit to enter federal service since the Vietnam conflict;

Whereas, On the 30th of August, 2005, the 38th Infantry Division headquarters were activated by the National Guard Bureau in response to Hurricane Katrina, and assumed command of all National Guard elements deployed into the state of Mississippi, with a final strength of 15,500 soldiers; and

Whereas, It is fitting that the 38th Infantry Division's 100th anniversary should be celebrated and honored for its historical significance in the State of Indiana and for the longstanding contributions it has made to the defense of the United States of America: Therefore,

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

SECTION 1. That the Indiana General Assembly celebrates the 100th anniversary of the 38th Infantry Division and honors the long history and significance of the Division to the security of Indiana and the United States of America.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Commander of the 38th Infantry Division and the Adjutant General of Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 44

The Speaker handed down Senate Concurrent Resolution 44, sponsored by Representative Pryor:

A CONCURRENT RESOLUTION to recognize and honor Superintendent Nathaniel (Nate) Jones for his service in public education.

Whereas, Superintendent Nathaniel (Nate) Jones is a native of Indianapolis, Indiana;

Whereas, Nate received his education from the Indianapolis Public School system, where his passion for educating students evolved;

Whereas, After completing his degree program, Nate decided to give back to his community and returned to teach in the Indianapolis Public School System (IPS);

Whereas, In 1980 he left IPS and began his administrative career in the Metropolitan School District of Washington Township, becoming one of the youngest principals in Indiana at the age of 27;

Whereas, Nate served for over 25 years in the Washington Township School system in numerous positions such as Principal, Director of Elementary Education, and Assistant Superintendent of Curriculum/Instruction. All schools where Nate worked as principal received state and national recognition for academic achievement and exceptional leadership;

Whereas, During his career Nate received three degrees, certifications, and multiple awards including the Sagamore of the Wabash and the Congressional Salute . Nate was even selected as one of the top 100 administrators in North America by the Executive Educator;

Whereas, In 2011 Nate was featured in the Education Executive Publication as a Trendsetter, and Who's Who in Black Indianapolis. Nate has also served on numerous not-for-profit organization boards;

Whereas, In 2003 Nate became the first African-American Superintendent to accept the awesome responsibility of leading the Metropolitan School District of Pike Township. Nate is the first African-American Superintendent who graduated from Indianapolis Public Schools and serves in this role in Indiana;

Whereas, During his tenure as Superintendent, the graduation rate has been between 92 and 94%, and his high school has been recognized as one of the most challenging in the nation. His administration has seen an increase in scholarships and grants, implemented new programs, received many awards, and spearheaded major construction and renovation of facilities; and

Whereas, Nate has over 43 years of experience in the field of education and has remained committed not only to the field of education but to his wife Cynthia, two children, and four grandsons: Therefore,

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

SECTION 1. That the Indiana Senate honors and recognizes Nathaniel Jones for his service to public education in Indianapolis, Indiana.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Nathaniel Jones.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

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

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 567

Representative T. Brown called down Engrossed Senate Bill 567 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 567-3)

Mr. Speaker: I move that Engrossed Bill 567 be amended to read as follows:

Page 12, line 30, delete "and Muncie".

Page 12, line 31, delete "Community Schools are each" and insert "is".

Page 23, line 30, delete "commission's" and insert "board's". (Reference is to ESB 567 as printed April 3, 2017.)

PRYOR

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 397: yeas 30, nays 64. Motion failed.

HOUSE MOTION (Amendment 567-2)

Mr. Speaker: I move that Engrossed Senate Bill 567 be amended to read as follows:

Page 21, line 20, after "subdivision." insert "**In the case of an emergency manager appointed for the Gary Community School Corporation, the emergency manager shall provide written notice to the mayor of the city of Gary at least thirty (30) days before selling assets under this subdivision.**".

Page 21, line 38, after "subdivision." insert "**In the case of an emergency manager appointed for the Gary Community School Corporation, the emergency manager shall provide written notice to the mayor of the city of Gary at least thirty (30) days before transferring property under this subdivision.**".

Page 23, line 30, delete "commission's" and insert "board's". (Reference is to ESB 567 as printed April 3, 2017.)

C. BROWN

Upon request of Representatives Mahan and Morrison, the Speaker ordered the roll of the House to be called. Roll Call 398: yeas 93, nays 0. Motion prevailed.

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

HOUSE MOTION (Amendment 567-1)

Mr. Speaker: I move that Engrossed Senate Bill 567 be amended to read as follows:

Page 15, between lines 39 and 40, begin a new line blocked left and insert:

"The emergency manager for the Gary Community School Corporation shall if possible employ as the chief financial officer under this subsection a qualified individual who is a resident of the city of Gary. If the emergency manager for the Gary Community School Corporation is not able to employ as the chief financial officer a qualified individual who is a resident of the city of Gary, the emergency manager shall if possible employ as the chief financial officer under this subsection a qualified individual who is a resident of Lake County. If the emergency manager for the Gary Community School Corporation is not able to employ as the chief financial officer a qualified individual who is either a resident of the city of Gary or a resident of Lake County, the emergency manager shall if possible employ as the chief financial officer under this subsection a qualified individual who is a resident of northwest Indiana."

Page 16, between lines 21 and 22, begin a new line blocked left and insert:

"The emergency manager for the Gary Community School Corporation shall if possible employ as the chief academic officer under this subsection a qualified individual who is a resident of the city of Gary. If the emergency manager for the Gary Community School Corporation is not able to employ as the chief academic officer a qualified individual who is a resident of the city of Gary, the emergency manager shall if possible employ as the chief academic officer under this subsection a qualified individual who is a resident of Lake County. If the emergency manager for the Gary Community School Corporation is not able to employ as the chief academic officer a qualified individual who is either a resident of the city of Gary or a resident of Lake County, the emergency manager shall if possible employ as the chief academic officer under this subsection a qualified individual who is a resident of northwest Indiana."

Page 23, line 30, delete "commission's" and insert "board's". (Reference is to ESB 567 as printed April 3, 2017.)

C. BROWN

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 399: yeas 29, nays 63. Motion failed.

HOUSE MOTION (Amendment 567-5)

Mr. Speaker: I move that Engrossed Senate Bill 567 be amended to read as follows:

Page 22, delete lines 40 through 41.

Page 22, line 42, delete "(B)" and insert "(A)".

Page 23, line 1, delete "(C)" and insert "(B)".

Page 23, line 2, delete "(D)" and insert "(C)".

Page 23, line 4, delete "(E)" and insert "(D)".

Page 23, line 6, delete "(F)" and insert "(E)".

Page 23, line 9, delete "(G)" and insert "(F)".

Page 23, between lines 10 and 11, begin a new line block indented and insert:

"However, an emergency manager of a distressed political subdivision that is a school corporation may not report or make any recommendations to the board concerning the geographic boundaries of the school corporation or the attendance area of any school within the school corporation."

(Reference is to ESB 567 as printed April 3, 2017.)

V. SMITH

Motion failed.

HOUSE MOTION (Amendment 567-6)

Mr. Speaker: I move that Engrossed Senate Bill 567 be amended to read as follows:

Delete the title and insert the following:

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

Page 14, between lines 11 and 12, begin a new line block indented and insert:

"(4) The distressed unit appeal board may provide a grant or grants to the school corporation, in amounts determined by the distressed unit appeal board, to assist the school corporation in overcoming its financial problems. A grant made by the distressed unit appeal board under this subdivision in a state fiscal year may be made from the counter-cyclical revenue and economic stabilization fund (IC 4-10-18) or the state general fund, as determined by the board. There is appropriated to the board the amount needed to make the grants from the fund determined by the board."

Page 23, between lines 10 and 11, begin a new line double block indented and insert:

"(H) The amount that may be necessary in state grants to overcome the school corporation's financial problems."

(Reference is to ESB 567 as printed April 3, 2017.)

V.SMITH

Motion failed.

HOUSE MOTION
(Amendment 567-7)

Mr. Speaker: I move that Engrossed Senate Bill 567 be amended to read as follows:

Page 12, delete lines 24 through 25.

Page 12, line 26, delete "(2)" and insert **"(1)"**.

Page 12, line 28, delete "(3)" and insert **"(2)"**.

Page 13, line 8, after "board" delete "and" and insert ",".

Page 13, line 9, after "body," insert **"and the executive of the school corporation,"**

Page 13, line 10, delete "and academic".

Page 13, line 13, delete "and academic".

Page 13, line 21, delete "manager," and insert **"manager and"**.

Page 13, line 21, delete "officer, and chief academic".

Page 13, line 24, delete "manager's," and insert **"manager's and"**.

Page 13, line 24, delete "officer's, and chief academic".

Page 13, line 26, delete "manager," and insert **"manager and"**.

Page 13, line 26, delete "officer, and chief academic".

Page 15, delete lines 40 through 42.

Page 16, delete lines 1 through 21.

Page 16, line 22, delete "(j)" and insert **"(i)"**.

Page 16, line 22, delete "and chief academic officer".

Page 16, line 25, delete "(k)" and insert **"(j)"**.

Page 16, line 41, delete "(l)" and insert **"(k)"**.

Page 16, line 42, after "body," insert **"the executive of the school corporation,"**

Page 17, line 5, delete "(m)" and insert **"(l)"**.

Page 17, line 6, after "body," insert **"the executive of the school corporation,"**

Page 17, line 19, delete "(n)" and insert **"(m)"**.

Page 17, line 20, delete "manager," and insert **"manager and"**.

Page 17, line 20, delete ", and".

Page 17, line 21, delete "the chief academic officer".

Page 17, line 36, delete "(o)" and insert **"(n)"**.

Page 18, line 6, delete "(p) The chief academic officer", begin a new paragraph and insert:

"(o) The governing body and the executive of the school corporation are responsible for the academic matters of the school corporation. The governing body and the executive of the school corporation"

Page 18, line 29, delete "The chief financial officer and the chief academic officer", begin a new paragraph and insert:

"(p) The chief financial officer"

Page 18, line 31, delete "chief academic officer" and insert **"the executive of the school corporation"**.

Page 19, line 13, after "manager," insert **"or"**.

Page 19, line 13, delete ", or a chief academic officer".

Page 19, line 19, after "manager," insert **"or"**.

Page 19, line 20, delete ", or a chief academic officer".

Page 19, line 22, after "manager," insert **"or"**.

Page 19, line 23, delete ", or chief academic officer".

Page 19, line 26, after "manager," insert **"or"**.

Page 19, line 26, delete ", or a chief academic".

Page 19, line 27, delete "officer".

Page 19, line 31, after "manager," insert **"or"**.

Page 19, line 31, delete ", or a chief".

Page 19, line 32, delete "academic officer".

Page 19, line 33, after "manager," insert **"or"**.

Page 19, line 33, delete ", or".

Page 19, line 34, delete "chief academic officer".

Page 19, line 36, after "manager," insert **"or"**.

Page 19, line 36, delete ", or chief".

Page 19, line 37, delete "academic officer".

(Reference is to ESB 567 as printed April 3, 2017.)

V. SMITH

Motion failed.

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

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

HOUSE MOTION
(Amendment 567-8)

Mr. Speaker: I move that Engrossed Senate Bill 567 be amended to read as follows:

Page 13, line 8, after "board" insert **", the department of education,"**

Page 13, line 36, after "board" insert **", after consultation with the department of education,"**

Page 16, line 41, after "with" insert **"the department of education,"**

Page 17, line 5, after "with" insert **"the department of education,"**

Page 17, line 32, after "body," insert **"the department of education,"**

Page 22, between lines 18 and 19, begin a new line blocked left and insert:

"Before the emergency manager takes any action, the emergency manger shall consult with the department of education."

Page 22, line 38, after "corporation," insert **"after consultation with the department of education,"**

Page 23, line 13, after "manager" delete "." and insert **", including the advice and recommendations of the department of education as a result of the emergency manger's consultation with the department of education."**

Page 23, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-20.3-8.7, AS ADDED BY P.L.145-2012, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.7. A school corporation that is designated a distressed political subdivision may not do any of the following without the approval of the board, **after consultation with the department of education**, during the period before the board terminates the school corporation's status as a distressed political subdivision:

- (1) Acquire real property for school building purposes.
- (2) Construct new school buildings or remodel or renovate existing school buildings.
- (3) Incur a contractual obligation (except for a maintenance contract or an employment contract for a new employee whose employment replaces the employment of a former employee) that requires an expenditure of more than thirty thousand dollars (\$30,000).
- (4) Purchase or enter into an agreement to purchase personal property at a cost of more than thirty thousand dollars (\$30,000).
- (5) Adopt or advertise a budget, tax levy, or tax rate for an ensuing budget year."

Renumber all SECTIONS consecutively.

(Reference is to ESB 567 as printed April 3, 2017.)

V. SMITH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 400: yeas 26, nays 62. Motion failed. The bill was ordered engrossed.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: on Wednesday, April 5, 2017, I signed into law House Enrolled Acts 1272 and 1324.

ERIC HOLCOMB
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative McNamara be added as cosponsor of Engrossed Senate Bill 15.

FRIEND

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

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 51.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown and Ziemke be added as cosponsors of Engrossed Senate Bill 156.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Harris be added as cosponsor of Engrossed Senate Bill 198.

HUSTON

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

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Bosma, Goodin, Lehman, Olthoff, Cherry, Burton, Frye, and Mahan be added as cosponsors of Engrossed Senate Bill 322.

STEUERWALD

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

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 408.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Pressel be added as cosponsor of Engrossed Senate Bill 514.

SIEGRIST

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and Clere be added as coauthors of House Concurrent Resolution 74.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Braun, Burton, Cook, Davisson, DeLaney, Engleman, Errington, Forestal, Frye, Hamilton, Hatfield, Kersey, Lawson, Macer, Moseley, Negele, Pelath, Pryor, Slager, Stemler and Wright be added as coauthors of House Resolution 55.

SHACKLEFORD

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore has appointed the following Senators a conference committee to confer on Engrossed Senate Bill 59:

Conferees: Head, Chairman; and Randolph

Advisors: Merritt, Zay and Stoops

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 129:

Conferees: Messmer, Chairman; and Stoops

Advisors: Freeman, Boots and Lanane

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 248:

Conferees: Raatz, Chairman; and Melton

Advisors: Kruse, Kenley and Mrvan

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 413:

Conferees: Koch, Chairman; and Stoops

Advisors: Messmer, Zakas and Randolph

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 425:

Conferees: M. Young, Chairman; and G. Taylor
Advisors: Bray, Freeman and Randolph

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 66, 67 and 68 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 concurred in the House amendments to Engrossed Senate Bills 43, 46, 73, 114, 323, 332, 382, 390, 392, 400, 440, 443 and 549.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 45 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

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 1441, 1535, 1626 and 1642 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative T. Brown, the House adjourned at 7:48 p.m., this fifth day of April, 2017, until Thursday, April 6, 2017, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives