Journal of the House

State of Indiana

118th General Assembly *Second Regular Session*

Twenty-second Day **Monday Afternoon** **February 24, 2014**

The invocation was offered by Pastor Roger Ash of the LaPorte First Church of God in LaPorte, a guest of Representative Harold M. Slager.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Harold M. Slager.

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

Arnold
Austin
Bacon
Baird
Bartlett
Battles
Bauer
Behning
Beumer
Braun
C. Brown
T. Brown
Burton
Candelaria Reardon
Carbaugh
Cherry
Clere
Cox
Culver
Davisson
DeLaney
Dermody
DeVon
Dvorak
Eberhart
Errington
Forestal
Friend
Frizzell
Frye
GiaQuinta
Goodin
Gutwein
Hale
Hamm
Harman
Harris
Heaton
Heuer
Huston
Karickhoff
Kersey
Kirchhofer
Klinker
Koch
Kubacki
Lawson
Lehe
Lehman
Leonard
Lucas
Lutz
Macer
Mahan
Mayfield
McMillan
McNamara
Messmer
Moed
Morris
Morrison
Moseley
Neese
Negele
Niemeyer
Niezgodski
Ober
Pelath
Pierce
Porter
Price
Pryor
Rhoads
Richardson
Riecken
Saunders □
Shackleford
Slager
Smaltz
M. Smith
V. Smith
Soliday
Speedy □
Stemler
Steuerwald
Sullivan
Summers
Thompson
Torr
Truitt
Turner
Ubelhor
VanDenburgh
VanNatter
Washburne
Wesco
Wolkins
Zent
Ziemke
Mr. Speaker

Roll Call 243: 98 present; 2 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, February 25, 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 Public Health, to which was referred Senate Bill 44, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 12, begin a new line block indented and insert:

"**(1) The sharing of health data between the state department and office of the secretary, and opportunities to improve sharing and collaboration.**

(2) Potential opportunities to use health data to improve health and to make the delivery of health services, including within the Medicaid program, more efficient and cost effective.

(3) Potential opportunities to facilitate and encourage entrepreneurial uses of health data.

(4) Potential need for legislation to implement any recommendations determined under subdivisions (1) through (3).

(5) Any other health data issues the state department and the office of the secretary determine would improve the provision of health care in Indiana.".

Page 1, line 13, delete "October 1, 2014," and insert "**August 1, 2014,**".

Page 1, line 14, delete "health finance commission" and insert "**legislative council in writing in an electronic format under IC 5-14-6**".

(Reference is to SB 44 Author Add as printed January 10, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 80, 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 24, reset in roman "shall be appointed to serve a".

Page 2, line 25, reset in roman "term of two (2) years or until their successors are appointed and".

Page 2, line 26, reset in roman "qualified.".

Page 2, line 26, after "qualified." insert "**However, an appointing authority may replace a member appointed under subsection (b)(1) or (b)(2) at any time during the member's term. Notwithstanding this subsection, the term of a member appointed to the commission under subsection (b)(1) or (b)(2) and serving on the commission after March 14, 2014, and before December 31, 2014, expires December 31, 2014.**".

Page 2, line 26, delete "serve at the pleasure of the appointing authority.".

Page 4, line 34, after "(15)" insert "**(2)**".

Page 4, line 34, reset in roman "The youth advisory council (IC 2-5-29).".

Page 4, line 39, delete "(2)" and insert "**(3)**".

Page 5, line 3, after "including" insert "**a subcommittee established under IC 2-5-1.3-12 and**".

Page 5, line 7, after "(1)" delete "the".

Page 5, line 9, after "(2)" delete "the".

Page 5, line 41, delete "Technology." and insert "**Telecommunication.**".

Page 6, line 3, delete "Health Finance." and insert "**Public Safety and Military Affairs.**".

Page 6, line 5, delete "Health" and insert "**Health, Behavioral Health,**".

Page 6, line 6, delete "Policy and Military Affairs." and insert "**Policy.**".

Page 6, delete line 7, begin a new line block indented and insert:

"**(16) Roads and Transportation.**".

Page 6, delete lines 31 through 32, begin a new line block indented and insert:

"**(5) Two (2) members of the general assembly, with one (1) member appointed by the chairman of the legislative council and one (1) member appointed by the vice-chairman of the legislative council.**".

Page 6, line 33, delete "7" and insert "**6**".

Page 6, delete lines 35 through 38.

Page 6, line 39, delete "7." and insert "**6.**".

Page 7, delete lines 22 through 25, begin a new paragraph and insert:

"**(b) A lay member appointed to a study committee is a nonvoting member.**".

Page 7, line 26, delete "8." and insert "**7.**".

Page 7, line 30, delete "9." and insert "**8.**".

Page 7, delete lines 32 through 33, begin a new paragraph and insert:

"**Sec. 9. (a) This subsection applies to a member appointed to a study committee under section 5(1), 5(2), 5(3), 5(4), or 5(6) of this chapter. The term of a member appointed to a study committee is two (2) years. However, an appointing authority may replace a member at any time during the member's term. Notwithstanding this subsection, the term of a member serving on a study committee after March 14, 2014, and before December 31, 2014, expires December 31, 2014.**

(b) A member appointed under section 5(5) of this chapter serves at the pleasure of the member's appointing authority.".

Page 7, line 34, delete "11. (a)" and insert "**10.**".

Page 7, line 36, delete "the" and insert "**a**".

Page 7, line 36, delete "6" and insert "**5(5)**".

Page 7, delete lines 38 through 42.

Page 8, delete line 1.

Page 8, line 2, delete "12." and insert "**11.**".

Page 8, between lines 5 and 6, begin a new paragraph and insert:

"**Sec. 12. (a) The chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.**

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

Page 8, line 9, delete "roads, transportation, and public safety".

Page 8, line 9, after "committee" insert "**on roads and transportation**".

Page 8, between lines 36 and 37, begin a new paragraph and insert:

"**Sec. 16. The general assembly recognizes that SEA 80-2014 repeals IC 2-5-3, IC 2-5-20, IC 2-5-28.5, IC 2-5-33.4, IC 2-5-38.1, IC 13-13-7, IC 33-23-10, and other statutes that establish study committees and that other acts of the 2014 regular session of the general assembly add or amend provisions that are repealed by SEA 80-2014. The general assembly intends to repeal the provisions described in this section, including the additions and amendments to the repealed provisions enacted in other acts of the 2014 regular session of the general assembly.**".

Page 16, delete lines 6 through 7, begin a new paragraph and insert:

"SECTION 36. IC 2-5-29-1.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 1.5. As used in this chapter, "fund" refers to the youth advisory council fund established by section 7.5 of this chapter.~~

SECTION 37. IC 2-5-29-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7.5. (a) The youth advisory council fund is established as a dedicated fund to be administered by the office. The fund consists of:~~

~~(1) appropriations made to the fund by the general assembly; and~~

~~(2) grants, gifts, and donations intended for deposit in the fund.~~

~~(b) Expenses of administering the fund shall be paid from money in the fund.~~

~~(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.~~

~~(d) Money in the fund at the end of a fiscal year does not revert to the state general fund.~~

~~(e) Money in the fund is available, with the approval of the budget agency, to augment and supplement the funds appropriated to the department of education to implement this chapter.~~".

Page 24, line 10, delete "P.L.291-2013," and insert "HEA 1332-2014, SECTION 9,".

Page 24, line 11, delete "SECTION 6,".

Page 24, line 12, delete "UPON PASSAGE]" and insert "MAY 1, 2014 (RETROACTIVE)]".

Page 24, line 15, delete "IC 5-28-17-5." and insert "IC

4-4-35-8.".

Page 31, delete lines 10 through 12.

Page 34, line 18, delete "government" and insert "**public safety and military affairs**".

Page 40, line 20, delete "interim study committee on".

Page 40, line 20, strike "health".

Page 40, line 21, strike "finance".

Page 40, line 21, after "commission" insert "**interim study committee on public health, behavioral health, and human services**".

Page 41, line 17, delete "technology" and insert "**telecommunication**".

Page 43, line 5, delete "technology" and insert "**telecommunication**".

Page 43, line 37, strike "regulatory flexibility".

Page 45, line 36, delete "technology" and insert "**telecommunication**".

Page 47, line 4, delete "technology" and insert "**telecommunication**".

Page 48, line 16, delete "technology" and insert "**telecommunication**".

Page 51, line 28, delete "technology" and insert "**telecommunication**".

Page 53, line 3, delete "technology" and insert "**telecommunication**".

Page 55, line 2, delete "technology" and insert "**telecommunication**".

Page 55, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 84. IC 9-13-2-33.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33.5. "Committee" for purposes of IC 9-18-25, has the meaning set forth in IC 9-18-25-0.5.**".

Page 55, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 86. IC 9-18-25-0.5, AS ADDED BY P.L.107-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, ~~"license plate~~ "committee" means the ~~special group recognition license plate committee established by IC 2-5-36.2-4.~~ **interim study committee on roads and transportation established by IC 2-5-1.3-4.**".

Page 57, line 40, delete "roads, transportation, and public safety interim study" and insert "**committee.**".

Page 57, delete line 41.

Page 58, line 2, delete "roads,".

Page 58, line 3, delete "transportation, and public safety interim study".

Page 58, line 4, delete "established by IC 2-5-1.3-4".

Page 58, line 7, delete "roads, transportation, and public safety interim study".

Page 58, line 9, delete "roads,".

Page 58, line 10, delete "transportation, and public safety interim study".

Page 58, line 11, delete "established by IC 2-5-1.3-4".

Page 58, line 17, delete "roads, transportation, and public safety interim".

Page 58, line 18, delete "study".

Page 58, line 23, strike "license plate".

Page 58, line 25, delete "roads,".

Page 58, line 26, delete "transportation, and public safety interim study".

Page 58, line 29, delete "roads, transportation, and public safety interim study".

Page 59, line 13, delete "roads, transportation, and public safety interim study".

Page 59, delete line 20.

Page 59, line 23, delete "roads,".

Page 59, line 24, delete "transportation, and public safety interim study".

Page 59, line 25, delete "roads,".

Page 59, line 26, delete "transportation, and public safety interim study".

Page 59, line 28, delete "roads, transportation, and".

Page 59, line 29, delete "public safety interim study".

Page 59, line 32, delete "roads,".

Page 59, line 33, delete "transportation, and public safety interim study".

Page 59, line 36, reset in bold "The".

Page 59, line 36, delete "roads, transportation, and public safety interim study".

Page 59, line 39, delete "roads, transportation, and public safety interim".

Page 59, line 40, delete "study".

Page 62, line 6, delete "interim study committee on".

Page 62, line 6, strike "health".

Page 62, line 7, strike "finance".

Page 62, line 7, after "commission," insert "**interim study committee on public health, behavioral health, and human services**".

Page 62, line 29, delete "health" and insert "**health, behavioral health,**".

Page 62, line 37, delete "health" and insert "**health, behavioral health,**".

Page 63, line 1, strike "the".

Page 63, line 1, delete "interim study committee on".

Page 63, line 1, strike "health finance".

Page 63, line 2, delete "established by IC 2-5-1.3-4,".

Page 63, line 2, after "committee" delete ",".

Page 63, line 4, delete "health" and insert "**health, behavioral health,**".

Page 63, line 26, delete "interim study committee on".

Page 63, line 27, strike "health finance".

Page 63, line 27, after "(IC 2-5-23)." insert "**interim study committee on public health, behavioral health, and human services**".

Page 65, line 34, delete "interim study committee on".

Page 65, line 34, strike "health finance".

Page 65, line 35, after "IC 2-5-23-3" insert "**interim study committee on public health, behavioral health, and human services**".

Page 65, line 42, delete "interim study committee on".

Page 65, line 42, strike "health finance".

Page 66, line 1, after "IC 2-5-23-3" insert "**interim study committee on public health, behavioral health, and human services**".

Page 68, line 2, delete "interim".

Page 68, line 3, delete "study committee on".

Page 68, line 3, strike "health finance".

Page 68, line 4, after "IC 2-5-23-3." insert "**interim study committee on public health, behavioral health, and human services**".

Page 69, line 31, delete "interim study committee on".

Page 69, line 31, strike "health finance".

Page 69, line 32, after "IC 2-5-23-3." insert "**interim study committee on public health, behavioral health, and human services**".

Page 70, line 35, delete "interim study committee on".

Page 70, line 35, strike "health".

Page 70, line 36, strike "finance".

Page 70, line 36, after "IC 2-5-23-3" insert "**interim study committee on public health, behavioral health, and human services**".

Page 70, line 39, delete "P.L.205-2013," and insert "SEA 24-2014, SECTION 65,".

Page 70, delete line 40.

Page 70, line 41, delete "CORRECTED AND".

Page 72, line 16, delete "health finance" insert "**public health, behavioral health, and human services**".

Page 73, line 9, delete "interim study committee on".

Page 73, line 9, strike "health finance".

Page 73, line 10, after "IC 2-5-23-3." insert "**interim study committee on public health, behavioral health, and human services**".

Page 73, line 23, delete "health" and insert "**health, behavioral health,**".

Page 73, line 35, delete "interim study committee on".

Page 73, line 35, strike "health finance".

Page 73, line 36, after "IC 2-5-23-3." insert "**interim study committee on public health, behavioral health, and human services**".

Page 74, line 7, delete "interim study committee on".

Page 74, line 7, strike "health finance".

Page 74, line 8, after "IC 2-5-23-3." insert "**interim study committee on public health, behavioral health, and human services**".

Page 74, line 17, delete "interim study committee on".

Page 74, line 17, strike "health finance".

Page 74, line 18, after "IC 2-5-23-3" insert "**interim study committee on public health, behavioral health, and human services**".

Page 75, delete lines 13 through 15, begin a new paragraph and insert:

"SECTION 111. IC 13-11-2-151.6, AS ADDED BY P.L.12-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 151.6. "Panel", for purposes of ~~IC 13-13-7,~~ **IC 13-13-7.1,** refers to the compliance advisory panel established by ~~IC 13-13-7-2.~~ **IC 13-13-7.1-1.**

SECTION 112. IC 13-11-2-204.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 204.2. "Small business stationary source", for the purposes of IC 13-13-7.1, has the meaning set forth in 42 U.S.C. 7661f.**".

Page 75, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 114. IC 13-13-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.1. Compliance Advisory Panel

Sec. 1. The compliance advisory panel is established.

Sec. 2. The panel consists of the following members:

(1) Two (2) members appointed by the president pro tempore of the senate who are members of the senate and who are owners of, or who have an interest in, a small business stationary source. Not more than one (1) of the members appointed under this subdivision may be members of the same political party.

(2) Two (2) members appointed by the speaker of the house of representatives who are members of the house of representatives and who are owners of, or who have an interest in, a small business stationary source. Not more than one (1) of the members appointed under this subdivision may be affiliated with the same political party.

(3) Two (2) members appointed by the governor to represent the public who are not members of the general assembly, owners of a small business stationary source, or representatives of owners of small business stationary sources. Not more than one (1) member appointed under this subdivision may be a solid waste management district director and not more than one (1) member appointed under this subdivision may be affiliated with the same political party.

(4) The commissioner or the commissioner's designee.

Sec. 3. The term of a member appointed to the panel is two (2) years. However, an appointing authority may replace a member at any time during the member's term. Notwithstanding this section, the initial members of the panel are the members serving on the advisory compliance panel established by IC 13-13-7-2 (before its repeal) on March 15, 2014. The terms of the initial legislative members of the panel appointed under IC 13-13-7-3(b)(1) (before its repeal) and IC 13-13-7-3(b)(2) (before its repeal) expire on the earlier of the following:

(1) The date the two (2) year appointment would have expired under IC 13-13-7-4 (before its repeal).

(2) December 31, 2014.

If subdivision (1) applies, a legislative member appointed under section 2(1) or 2(2) of this chapter before January 1, 2015, to succeed the initial legislative member expires December 31, 2014.

Sec. 4. If a vacancy occurs on the panel, the appointing authority for the vacating member shall appoint an individual to fill the unexpired term of the vacating member. A member appointed to fill a vacancy must meet the same qualifications specified under section 2 of this chapter for the vacating member.

Sec. 5. The individual serving on the panel under section 2(4) of this chapter is a nonvoting member.

Sec. 6. The chairman of the legislative council shall appoint the chair of the panel from the members appointed under section 2(1) or 2(2) of this chapter. The chair of the panel serves at the pleasure of the chairman of the legislative council.

Sec. 7. Each member of the panel who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member also is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 8. Each member of the panel who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. Each member of the panel who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 10. The affirmative votes of a majority of the voting members appointed to the panel are required for the panel to take action on any measure, including final reports.

Sec. 11. The panel shall carry out the duties required of a compliance advisory panel under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f).

Sec. 12. The department shall provide administrative and technical support to the panel as provided in IC 13-28-3-2, including duties related to the development and dissemination of reports and advisory opinions.

Sec. 13. Except as provided in section 9 of this chapter, the expenses of the panel shall be paid from appropriations to the department.

Sec. 14. The panel shall submit an annual report to the legislative council in an electronic format under IC 5-14-6.".

Page 85, reset in roman line 10.

Page 85, line 11, reset in roman "compliance advisory panel established by".

Page 85, line 11, after "IC 13-13-7-2." insert "**IC 13-13-7.1-1.**".

Page 85, line 12, delete "(8) (7)" and insert "(8)".

Page 86, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 124. IC 15-13-6-5, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As requested by the advisory committee, the:

(1) commission;

(2) board; or

(3) board of trustees of the barn;

shall provide to the advisory committee information relating to the operation of each, respectively.

(b) The ~~legislative services agency~~ **department of agriculture** shall provide staff for the advisory committee.".

Delete page 87.

Page 88, delete lines 1 through 2.

Page 89, line 15, delete "interim study".

Page 89, line 16, delete "committee on".

Page 89, line 16, strike "health finance".

Page 89, line 16, after "IC 2-5-23-3" insert "**interim study committee on public health, behavioral health, and human services**".

Page 90, line 10, delete "technology" and insert "**telecommunication**".

Page 90, line 30, delete "technology" and insert "**telecommunication**".

Page 90, line 39, delete "interim study committee on".

Page 90, line 39, strike "health finance".

Page 90, line 39, after "commission;" insert "**interim study committee on public health, behavioral health, and human services**".

Page 93, line 3, delete "health" and insert "**health, behavioral health,**".

Page 94, line 21, delete "health" and insert "**health, behavioral health,**".

Page 96, line 19, delete "interim".

Page 96, line 20, delete "study committee on".

Page 96, line 20, strike "health finance".

Page 96, line 20, after "commission" insert "**interim study committee on public health, behavioral health, and human services**".

Page 96, delete lines 23 through 42.

Delete page 97.

Page 98, delete line 1.

Page 99, line 28, delete "health finance" and insert "**public health, behavioral health, and human services**".

Renumber all SECTIONS consecutively.

(Reference is to SB 80 as reprinted January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 91, 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 9, delete ". Educational" and insert ", **voiding the previously adopted set of educational standards.**".

Page 2, delete lines 10 through 11.

Page 2, line 12, delete "this subsection.".

Page 2, line 18, after "7861" delete "." and insert "**, as in effect on January 1, 2014.**".

(Reference is to SB 91 as reprinted February 4, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 23 through 26.

Renumber all SECTIONS consecutively.

(Reference is to SB 139 as printed January 24, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 158, 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 3, delete "IC 12-17.2-3.7" and insert "**IC 12-17.2-3.8**".

Page 7, line 27, delete "property's" and insert "**property**".

Page 7, line 30, delete "property's" and insert "**property**".

(Reference is to SB 158 as printed January 24, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred Senate Bill 161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 161 as printed February 4, 2014.)

Committee Vote: Yeas 17, Nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 20, delete "2019." and insert "**2015.**".

(Reference is to ESB 173 as printed February 18, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 7.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 180, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 10-17-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 12.5. Veterans Disability Clinic Fund

Sec. 1. As used in this chapter, "commission" refers to the Indiana veterans' affairs commission established by IC 10-17-13-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 3. As used in this chapter, "director" refers to the director of veterans' affairs.

Sec. 4. As used in this chapter, "fund" refers to the veterans disability clinic fund established by section 7 of this chapter.

Sec. 5. As used in this chapter, "qualified law school" means a law school:

(1) located in Indiana; and

(2) approved by the American Bar Association;

that operates a veterans disability clinic.

Sec. 6. As used in this chapter, "veterans disability clinic" means a law school clinical program that:

(1) offers practice opportunities to law students to counsel or represent veterans in claims for veterans disability compensation;

(2) is part of the educational curriculum of the law school;

(3) is under the direction of a law school faculty member; and

(4) provides legal services at no cost or nominal cost to veterans.

Sec. 7. (a) The veterans disability clinic fund is established to provide funding for grants to qualified law schools that establish or maintain a veterans disability clinic.

(b) The fund shall be administered by the commission.

(c) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Donations to the fund.

(3) Interest.

(4) Money transferred to the fund from other funds.

(5) Money from any other source authorized or appropriated for the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(e) Money in the fund is continually appropriated to carry out the purposes of the fund.

Sec. 8. A qualifying law school that wishes to receive a grant to establish or maintain a veterans disability clinic under this chapter shall consult with the department to:

(1) identify veterans in need of counsel or representation in a claim for veterans disability compensation;

(2) inform veterans about the availability of legal services through the veterans disability clinic; and

(3) develop an educational outreach program as part of the veterans disability clinic to advise veterans of their rights in the claims process for veterans disability compensation.

Sec. 9. The commission may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 10. The director or a member of the commission may make a request to the general assembly for an appropriation to the fund.

SECTION 2. IC 10-17-14.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 14.2. Indiana Veteran Recovery Program

Sec. 1. As used in this chapter, "program" refers to the Indiana veteran recovery program established by IC 27-1-44-5.

Sec. 2. The director of veterans' affairs and the adjutant general of the Indiana national guard shall enter into a memorandum of understanding with any institutional review board as necessary to provide assistance to veterans under the program.

Sec. 3. The director of veterans' affairs shall notify each individual in Indiana who has a United States military service related injury or disability of the existence of the program.

Sec. 4. This chapter expires on the earlier of the following:

(1) Ninety (90) days after the director of veterans' affairs has determined that the federal Food and Drug Administration has designated hyperbaric oxygen treatment (as defined in IC 27-1-44-2) as standard for care.

(2) July 1, 2019.

SECTION 3. IC 27-1-44 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 44. Indiana Veteran Recovery Program and Fund

Sec. 1. As used in this chapter, "fund" refers to the Indiana veteran recovery fund established by section 6 of this chapter.

Sec. 2. As used in this chapter, "hyperbaric oxygen treatment" means treatment in:

(1) a hyperbaric chamber approved by the federal Food and Drug Administration, as prescribed by a physician; or

(2) a hyperbaric oxygen device that is approved by the federal Food and Drug Administration for investigational use under direction of an institutional review board with a national clinical trial number;

at a state fire code compliant location and delivered by a licensed or nationally certified health care provider.

Sec. 3. As used in this chapter, "program" refers to the Indiana veteran recovery program established by section 5 of this chapter.

Sec. 4. As used in this chapter, "veteran" refers to any individual in Indiana who has a United States military service related injury or disability, regardless of active, reserve, or retired status.

Sec. 5. (a) The Indiana veteran recovery program is established to provide diagnostic testing, hyperbaric oxygen treatment, counseling, and rehabilitative treatment of veterans who have traumatic brain injury or posttraumatic stress disorder.

(b) The commissioner shall administer the program.

(c) The commissioner shall do the following:

(1) Be responsible for the management of all aspects of the program.

(2) Prepare and provide program information.

(3) Use money in the fund to pay for diagnostic testing, counseling, and rehabilitative treatment of veterans with traumatic brain injury or posttraumatic stress disorder when other funding is unavailable, according to the program guidelines.

(4) With the assistance of the attorney general, pursue reimbursement from:

(A) the federal government; and

(B) any other responsible third party payer;

for payments made under subdivision (3), for deposit in the fund.

(5) Act as a liaison to the federal government and other parties regarding the program.

(6) Enter into memoranda of understanding, as necessary, with other state agencies concerning the administration and management of the fund and the program.

(7) Adopt rules under IC 4-22-2 to implement this

chapter.

Sec. 6. (a) The Indiana veteran recovery fund is established.

(b) The purpose of the fund is to:

(1) track expenditures for services and to provide payments under the program for diagnostic testing and treatment of veterans with posttraumatic stress disorder or traumatic brain injury; and

(2) fund the administrative expenses of the program.

(c) The commissioner shall administer the fund.

(d) Expenses of administering the fund shall be paid from money in the fund.

(e) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Grants and gifts intended for deposit in the fund.

(3) Interest, premiums, gains, or other earnings on the fund.

(4) Any reimbursement received from the federal government or third parties.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) Money in the fund is continuously appropriated for the purposes of the fund.

(i) All expenditures from the fund must be made by the treasurer of state following approval by the budget agency.

Sec. 7. (a) The commissioner shall enter into an agreement with a state entity or a postsecondary educational institution to provide exclusive oversight of the program in Indiana.

(b) The oversight includes all of the following:

(1) Adoption by the state entity or the postsecondary educational institution of program guidelines.

(2) Evaluation and approval of:

(A) all hyperbaric oxygen treatment sites participating in the program; and

(B) diagnostic testing, counseling, and rehabilitative treatment provided under the program.

(3) Inspection of treatment sites, as needed, in coordination with the International Hyperbaric Medical Foundation.

(4) Validation of treatment results according to the program guidelines, including the following:

(A) Biostatistical analysis and verification of treatment effectiveness.

(B) Reporting of analyses to the International Hyperbaric Medical Foundation for use in national studies.

(5) Long term follow-up evaluation of program results in connection with otherwise anticipated and actual state budget expenditures in education, labor, substance abuse, homelessness, incarceration, health care treatment, and use of state programs.

(c) The state entity or the postsecondary educational institution shall receive an established fee from the program at the time payment is made under this chapter to a health care provider for providing hyperbaric oxygen treatment to persons under this chapter.

Sec. 8. (a) A health care provider providing treatment under the program shall bill the program and be paid at:

(1) the Medicare rate for the treatment; or

(2) if a Medicare rate does not apply, the fair market rate for the treatment, as approved by the commissioner.

(b) Payment shall be made for treatment under the program only after verification under section 7 of this chapter that the treatment improves clinical outcomes.

(c) Physicians who supervise treatment under the program must be paid at the Medicare Part B facility rate.

(d) The commissioner, through the office of Medicaid policy and planning, shall seek any waiver or approval required by the federal Centers for Medicare and Medicaid Services to obtain Medicaid payment for diagnostic testing, hyperbaric oxygen treatment, counseling, and rehabilitative treatment under the program.

Sec. 9. (a) The program guidelines adopted under this chapter must include the following:

(1) Approval of payment for a treatment that requires:

(A) federal Food and Drug Administration approval for any purpose of a drug or device used in the treatment;

(B) institutional review board approval of protocols or treatments in accord with requirements of the United States Department of Health and Human Services;

(C) voluntary acceptance of the treatment by the patient; and

(D) demonstrated improvement of the patient receiving the treatment through:

(i) standardized, independent pretreatment and posttreatment neuropsychological testing;

(ii) nationally accepted survey instruments;

(iii) neurological imaging; or

(iv) clinical examination.

(2) Payment from the fund promptly after the patient, or health care provider on behalf of the patient, submits documentation required by the program.

(3) Confidentiality of all individually identifiable patient information. However, all data and information from which the identity of an individual patient cannot be reasonably ascertained must be available to the general assembly, participating third party payers, participating institutional review boards, participating health care providers, and other governmental agencies.

(4) A treatment for which approval is granted under subdivision (1) is considered to have been medically necessary for purposes of any third party payment.

(b) The program guidelines adopted under this chapter may include a pilot subprogram through which first responders, including police officers, firefighters, and other high risk state government employees, may receive treatment under the program according to the same requirements that apply for veterans receiving treatment under the program.

Sec. 10. (a) An individual who receives treatment under the program may not be subject to retaliation of any kind.

(b) An institutional review board that approves treatment provided under the program must be treated as if the institutional review board were a state government institutional review board.

(c) Except as provided in this chapter, the program and the fund are not subject to any budget review or approval process otherwise required under state law. However, the commissioner shall file an annual audited financial statement with the budget agency and, in an electronic format under IC 5-14-6, the legislative council.

Sec. 11. The commissioner shall, not later than August 1 of each year and in coordination with the Indiana director of veterans' affairs and the state entity or the postsecondary educational institution that provides oversight of the program, file a report concerning the program with the governor, and, in an electronic format under IC 5-14-6, the legislative council. The report shall include all of the following:

(1) The number of individuals for whom payments were made from the fund for treatment under the program.

(2) The condition for which each individual counted under subdivision (1) received treatment and the success rate of each treatment.

(3) Treatment methods for which payment was made under the program and the success rate of each method.

(4) Recommendations concerning integration of the treatment methods described in subdivision (3) with treatments provided in facilities of the federal Department of Defense and Department of Veterans' Affairs.

Sec. 12. This chapter expires July 1, 2019.

SECTION 4. IC 34-13-3-2, AS AMENDED BY P.L.145-2011, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. This chapter applies to a claim or suit in tort against any of the following:

(1) A member of the bureau of motor vehicles commission established under IC 9-15-1-1.

(2) An employee of the bureau of motor vehicles commission who is employed at a license branch under IC 9-16, except for an employee employed at a license branch operated under a contract with the commission under IC 9-16.

(3) A member of the driver education advisory board established by IC 9-27-6-5.

(4) A health care provider, with respect to any damages resulting from the health care provider's use of hyperbaric oxygen treatment to treat a veteran under the Indiana veteran recovery program under IC 27-1-44. This subdivision expires July 1, 2019.".

Page 1, line 17, after "facilitation;" insert "**and**".

Page 2, line 1, delete "and".

Page 2, delete line 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 180 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 29.

Page 5, line 5, strike "sponsor" and insert "**authorizer**".

Page 5, line 7, delete "sponsor" and insert "**authorizer**".

Page 5, line 8, delete "sponsor's" and insert "**authorizer's**".

Page 6, delete lines 8 through 9, begin a new line block indented and insert:

"**(11) The most recent audits for each authorized school submitted to the authorizer under IC 5-11-1-9.**".

Page 7, line 33, delete "Except as provided in subsection (o), within" and insert "Within".

Page 9, delete lines 26 through 42.

Page 10, delete line 1.

(Reference is to SB 205 as reprinted February 4, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Public Health, to which was referred Senate Bill 248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 248 as printed January 22, 2014.)

Committee Vote: Yeas 11, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Natural Resources, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 271 as printed January 28, 2014.)

Committee Vote: Yeas 9, Nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-9-13-1, AS AMENDED BY P.L.214-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), the city-county council of a county that contains a consolidated ~~first class~~ city may adopt an ordinance to impose an excise tax, known as the county admissions tax, for the privilege of attending, before January 1, ~~2041,~~ **2045,** any event and, after December 31, ~~2040,~~ **2044,** any professional sporting event:

(1) held in a facility financed in whole or in part by:

(A) bonds or notes issued under IC 18-4-17 (before its repeal on September 1, 1981), IC 36-10-9, or IC 36-10-9.1; or

(B) a lease or other agreement under IC 5-1-17; and

(2) to which tickets are offered for sale to the public by:

(A) the box office of the facility; or

(B) an authorized agent of the facility.

(b) The excise tax imposed under subsection (a) does not apply to the following:

(1) An event sponsored by an educational institution or an association representing an educational institution.

(2) An event sponsored by a religious organization.

(3) An event sponsored by an organization that is considered a charitable organization by the Internal Revenue Service for federal tax purposes.

(4) An event sponsored by a political organization.

(c) If a city-county council adopts an ordinance under subsection (a), it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

(d) If a city-county council adopts an ordinance under subsection (a) or section 2 of this chapter prior to June 1, the county admissions tax applies to admission charges collected after June 30 of the year in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a) or section 2 of this chapter on or after June 1, the county admissions tax applies to admission charges collected after the last day of the month in which the ordinance is adopted.

SECTION 2. IC 6-9-13-2, AS AMENDED BY P.L.205-2013, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b), the county admissions tax equals five percent (5%) of the price for admission to any event

described in section 1 of this chapter.

(b) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the county admissions tax from five percent (5%) to six percent (6%) of the price for admission to any event described in section 1 of this chapter.

(c) After January 1, 2013, and before March 1, 2013, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the county admissions tax rate by not more than four percent (4%) of the price for admission to any event described in section 1 of this chapter. If the city-county council adopts an ordinance under this subsection:

(1) the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue; and

(2) the tax applies to transactions after the last day of the month in which the ordinance is adopted, if the city-county council adopts the ordinance on or before the fifteenth day of a month. If the city-county council adopts the ordinance after the fifteenth day of a month, the tax applies to transactions after the last day of the month following the month in which the ordinance is adopted.

The increase in the tax imposed under this subsection continues in effect unless the increase is rescinded. However, any increase in the tax rate under this subsection may not continue in effect after ~~February 28, 2023.~~ **December 31, 2044.**

(d) **Except as provided in subsection (f),** the amount collected from that portion of the county admissions tax imposed under:

(1) subsection (a) and collected after December 31, 2027; and

(2) subsection (b);

shall be distributed to the capital improvement board of managers or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received from that portion of the county admissions tax imposed under subsection (b) in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) **Except as provided in subsection (f),** the amount collected from an increase adopted under subsection (c) shall be deposited in the sports and convention facilities operating fund established by IC 36-7-31-16.

(f) The entire amount collected under this chapter from any event held at facility or complex of facilities that includes a soccer stadium that:

(1) is constructed after June 30, 2014; and

(2) is financed as described in section 1(a)(1) of this chapter;

shall be distributed to the capital improvement board of managers or its designee.

SECTION 3. IC 36-7-31-11, AS AMENDED BY P.L.182-2009(ss), SECTION 410, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A tax area must be initially established before July 1, 1999, according to the procedures set forth for the establishment of an economic development area under IC 36-7-15.1. A tax area may be changed (including to the exclusion or inclusion of a facility described in this chapter) or the terms governing the tax area may be revised in the same manner as the establishment of the initial tax area. However, a tax area may be changed as follows:

(1) After May 14, 2005, a tax area may be changed to include the site or future site of a facility that is or will be the subject of a lease or other agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26.

(2) After June 30, 2009, a tax area may be changed to include the site or future site of a facility or complex of facilities described in section 10(a)(3) of this chapter.

(3) After June 30, 2014, a tax area may be changed to include the site or future site of a facility or complex of facilities that includes a soccer stadium.

~~(3)~~ **(4)** The terms governing a tax area may be revised only with respect to a facility or complex of facilities described in subdivision (1), ~~or~~ (2), **or (3).**

(b) In establishing or changing the tax area or revising the terms governing the tax area, the commission must do the following:

(1) With respect to a tax area change described in subsection (a)(1) **or (a)(3),** the commission must make the following findings instead of the findings required for the establishment of economic development areas:

(A) That a project to be undertaken or that has been undertaken in the tax area is for a facility at which a professional sporting event or a convention or similar event will be held.

(B) That the project to be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(C) That the project to be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(2) With respect to a tax area change described in subsection (a)(2), the commission must make the following findings instead of the findings required for the establishment of an economic development area:

(A) That the facility or complex of facilities in the tax area provides both convenient accommodations for professional sporting events, conventions, or similar events and significant meeting and convention space that directly enhance events held in the capital improvements that are owned, leased, or operated by the capital improvement board.

(B) That the facility or complex of facilities in the tax area and the capital improvements that are owned, leased, or operated by the capital improvement board are integrally related to enhancing the convention opportunities that directly affect the success of both the facilities and capital improvements.

(C) That the facility or complex of facilities in the tax area provides the opportunity for the capital improvement board to hold events that would not otherwise be possible.

(D) That the facility or complex of facilities in the tax area protects or increases state and local tax bases and tax revenues.

(3) With respect to a tax area change described in subsection (a)(3), the commission and the owner of a professional soccer franchise that would be a primary tenant of the facility or facilities described in subsection (a)(3) shall do the following:

(A) Submit to the budget agency a comprehensive business plan for making professional soccer a profitable enterprise in Indiana, including the costs, revenues, attendance, and media and fan interest of the soccer franchise and the league in which the soccer franchise competes.

(B) Obtain the budget agency's approval of the proposed resolution after the budget agency and the budget committee have reviewed the business plan submitted under clause (A).

(c) The tax area established by the commission under this

chapter is a special taxing district authorized by the general assembly to enable the county to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

SECTION 4. IC 36-7-31-14, AS AMENDED BY P.L.182-2009(ss), SECTION 412, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to that part of the tax area in which a facility or complex of facilities described in section 10(a)(3) of this chapter is located. A reference to "tax area" in this section does not include the part of the tax area in which a facility or complex of facilities described in section 10(a)(3) of this chapter is located.

(b) A tax area must be established by resolution. A resolution establishing a tax area must provide for the allocation of covered taxes attributable to a taxable event or covered taxes earned in the tax area to the professional sports development area fund established for the county. The allocation provision must apply to the part of the tax area covered by this section. The resolution must provide that the tax area terminates not later than December 31, ~~2027.~~ **2044.**

(c) All of the salary, wages, bonuses, and other compensation that are:

(1) paid during a taxable year to a professional athlete for professional athletic services;

(2) taxable in Indiana; and

(3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(d) Except as provided by section 14.1 of this chapter **and subsection (f),** the total amount of state revenue captured by the tax area may not exceed:

(1) five million dollars ($5,000,000) per year, for twenty (20) consecutive years, **from that part of the tax area that does not include the addition to the tax area described in section 11(a)(3) of this chapter; plus**

(2) two million dollars ($2,000,000) per year, for thirty (30) consecutive years, from that part of the tax area that is the addition to the tax area described in section 11(a)(3) of this chapter.

(e) The resolution establishing the tax area must designate the facility and the facility site for which the tax area is established and covered taxes will be used.

(f) The total amount of state revenue that otherwise may be captured by the tax area as provided in subsection (d)(2) shall be reduced each year by the lesser of:

(1) the amount of admissions tax revenue received under IC 6-9-13 from events held at a facility or complex of facilities described in IC 6-9-13-2(f); or

(2) two million dollars ($2,000,000).

~~(f)~~ **(g)** The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 5. IC 36-7-31-14.1, AS AMENDED BY P.L.182-2009(ss), SECTION 413, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.1. (a) The budget director appointed under IC 4-12-1-3 may determine that, commencing July 1, 2007, there may be captured in the tax area up to eleven million dollars ($11,000,000) per year in addition to the up to ~~five~~ **seven** million dollars ~~($5,000,000)~~ **($7,000,000)** of state revenue to be captured by the tax area under section 14 of this chapter for the professional sports development area fund and in addition to the state revenue to be captured by the part of the tax area covered by section 14.2 of this chapter for the sports and convention facilities operating fund, for up to thirty-four (34) consecutive years. The budget director's determination must specify that the termination date of the tax area for purposes of the collection of the additional eleven million dollars ($11,000,000) per year for the professional sports development area fund is extended to not later than:

(1) January 1, 2041; or

(2) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26.

Following the budget director's determination, and commencing July 1, 2007, the maximum total amount of revenue captured by the tax area for years ending before January 1, ~~2041,~~ **2045,** is ~~sixteen~~ **eighteen** million dollars ~~($16,000,000)~~ **($18,000,000)** per year for the professional sports development area fund.

(b) The additional revenue captured pursuant to a determination under subsection (a) shall be distributed to the capital improvement board or its designee. So long as there are any current or future obligations owed by the capital improvement board to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board or its designee shall deposit the additional revenue received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(c) Notwithstanding the budget director's determination under subsection (a), after January 1, 2010, the capture of the additional eleven million dollars ($11,000,000) per year described in subsection (a) terminates on January 1 of the year following the first year in which no obligations of the capital improvement board described in subsection (b) remain outstanding.

SECTION 6. IC 36-7-31-23, AS AMENDED BY P.L.214-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. This chapter expires ~~December 31, 2040.~~ **July 1, 2045.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 308 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 321, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 4. IC 20-31-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7. If the state board adopts a rule to assign a category or designation of school improvement to a school corporation, the state board shall also adopt a rule to assign a category or designation of school improvement to a charter school organizer.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as reprinted February 4, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 344, 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 11, delete "man made" and insert "**manmade**".

Page 2, line 29, delete "IC 5-14-3-4" and insert "**IC 5-14-3-4(b)(19)**".

Page 2, line 30, delete "which" and insert "**that**".

Page 2, line 31, delete "to improve" and insert "**in improving**".

Page 2, line 31, delete "respond to a man made" and insert "**responding to a manmade**".

Page 2, line 33, delete "which" and insert "**that**".

(Reference is to SB 344 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 2 through 42.

Delete page 3.

(Reference is to SB 397 as reprinted January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 408, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "[EFFECTIVE JULY 1, 2014]:" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 1, line 4, delete "IC 16-19-3-4.5, have the" and insert "**IC 16-19-16, refer to the various adverse effects that occur in a newborn infant who was exposed to addictive illegal or prescription drugs while in the mother's womb.**".

Page 1, delete lines 5 through 16, begin a new paragraph and insert:

"SECTION 2. IC 16-19-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Neonatal Abstinence Syndrome (NAS)

Sec. 1. The state department shall meet with representatives of at least the following associations to study and make recommendations on issues concerning Neonatal Abstinence Syndrome (NAS):

(1) The Indiana Hospital Association.

(2) The Indiana Perinatal Network.

(3) The Indiana State Medical Association.

(4) The Indiana Chapter of the American Academy of Pediatrics.

(5) The Indiana Section of the American Congress of Obstetricians and Gynecologists.

(6) The Indiana Chapter of the March of Dimes.

Sec. 2. (a) Before November 1, 2014, the state department, in consultation with the persons described in section 1 of this chapter, shall report the following to the legislative council in an electronic format under IC 5-14-6 for distribution to the appropriate interim study committee:

(1) The appropriate standard clinical definition of "Neonatal Abstinence Syndrome".

(2) The development of a uniform process of identifying Neonatal Abstinence Syndrome.

(3) The estimated time and resources needed to educate hospital personnel in implementing an appropriate and uniform process for identifying Neonatal Abstinence Syndrome.

(4) The identification and review of appropriate data reporting options available for the reporting of Neonatal Abstinence Syndrome data to the state department, including recommendations for reporting of Neonatal Abstinence Syndrome using existing data reporting options or new data reporting options.

(5) The identification of whether payment methodologies for identifying Neonatal Abstinence Syndrome and the reporting of Neonatal Abstinence Syndrome data are currently available or needed.

(b) Before June 1, 2015, the state department may establish one (1) or more pilot programs with hospitals that consent to participate in the pilot programs to implement appropriate and effective models for Neonatal Abstinence Syndrome identification, data collection, and reporting determined under this chapter.

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

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 408 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

KUBACKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Utilities and Energy, to which was referred House Resolution 21, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HR 21 as introduced.)

Committee Vote: Yeas 6, Nays 1.

KOCH, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 24

Representatives Moseley and Pelath introduced House Resolution 24:

A HOUSE RESOLUTION honoring the Chesterton High School debate team.

Whereas, The Chesterton High School debate team recaptured the state title with a victory over rival West Lafayette High School at the Indiana High School Forensic Association (IHSFA) Championship Tournament;

Whereas, This year's victory brings the total to 23 state debate championships for the Chesterton team out of a possible 31 since the state debate championship began;

Whereas, The 92 point victory is the 2nd highest point total at an IHSFA State Debate Tournament;

Whereas, Junior Abby Burke was individual state champion in the Lincoln-Douglas category and the 7th state champion in the program's history, Matt Eggers and Salman Lakhani were runners-up in Public Forum debate, and teams Nadia Mario and Katherine Bolek and Zach Bogich and Alex Genetski tied for third in policy debate;

Whereas, Mikaela Meyer was awarded the Robert E. Brittain Mental Attitude Scholarship, an annual award given to a senior who is nominated by the student's coach and selected by the

Indiana High School Forensic Association Board of Directors;

Whereas, The art of debating has a long and honorable history throughout the United States and the world; and

Whereas, The ability to speak eloquently and to affect the opinion of others is a valuable skill for the youth of today: 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 Chesterton High School and the members of the debate team and encourages them to continue to polish their skills in the age-old art of public speaking.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to team members Abby Burke, Eric Zhong, Corinne Leopole, Chris Krause, Matt Eggers, Salman Lakhani, Taryn Trusty, Miranda Whah, Jessica Ratel-Khan, Hannah Vasquez, Nathan Burris, Tyler Colvin, Katherine Bolek, Nadia Mario, Alex Genetski, Zach Bogich, Emily Percifield, Kaley Brown, Joel Peterson, Tim Vincent, Mikaela Meyer, Andrew Caratini, Don Reinert, Andrea Drygas, and JP Pritchard, coaches Chris Lowery, Carol Biel, Shane Smith, and Josh Coots, principal Jeffrey Van Drie, and superintendent Dr. David Pruis.

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

House Resolution 29

Representatives T. Brown and Negele introduced House Resolution 29:

A HOUSE RESOLUTION honoring John Newlin and Charles "Butch" Newlin.

Whereas, John Newlin and Charles "Butch" Newlin are true Hoosier heroes;

Whereas, On the morning of January 24, 2014, Del Gilliatt went to the mailbox to get her mail;

Whereas, The 80-year-old woman slipped on the ice and fell to the ground, where she lay for more than 30 minutes;

Whereas, While on the ground in temperatures hovering between 0 and 10 degrees, Del Gilliatt's clothes became wet and started to freeze;

Whereas, Due to the trauma intensified by the extreme elements, Del suffered a heart attack;

Whereas, Praying for someone to arrive to help her, Del's faith never waivered in the belief that someone would come to save her;

Whereas, That someone was John Newlin and Charles "Butch" Newlin;

Whereas, Her knights in shining armor arrived on a T&S Trash Service truck;

Whereas, Assessing the situation, John and Butch flew into action;

Whereas, Helping the woman to a chair on her porch, they found the keys to her house and helped her inside;

Whereas, Once inside John and Butch called for an ambulance and waited with her until medical help arrived; and

Whereas, John and Butch Newlin gave the gift of life to Del Gilliatt and her family on that cold January day: 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 express their admiration and thankfulness to these two brave men. They are truly heroes.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to John Newlin and Charles "Butch" Newlin and their families.

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

House Resolution 30

Representatives Lucas, Davisson and Koch introduced House Resolution 30:

A HOUSE RESOLUTION recognizing Schneck Medical Center.

Whereas, Jackson County's Schneck Medical Center has been named the most nurse-friendly facility in the nation by www.TopRNtoBSN.com, an influential nursing career and education web site;

Whereas, The web site features 30 hospitals in the United States that provide the best benefits, programs, support teams, facilities, and work environments for nurses;

Whereas, The working conditions at Schneck Medical Center went above and beyond the levels established by the National Database of Nursing Quality Indicators for a third consecutive year;

Whereas, Schneck Medical Center has twice been honored by the Magnet accreditation system as well as being listed as one of the top places to work in Indiana by several industry publications; and

Whereas, While the competition for nursing jobs continues to increase, nurses are looking for a work place that is nurse friendly; Schneck Medical Center is considered the top nurse-friendly facility in the United States: 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 recognizes the outstanding facilities and work atmosphere at Schneck Medical Center and urges the hospital to continue to create a work facility that is so favorable to the nursing profession.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Warren L. Forgey, Executive Vice President and Chief Administrative and Operations Officer (CAOO) at Schneck Medical Center.

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

House Concurrent Resolution 5

Representatives Davisson and Messmer introduced House Concurrent Resolution 5:

A CONCURRENT RESOLUTION congratulating the Salem High School marching band on winning the Indiana State School Music Association 2013 Scholastic B State Championship.

Whereas, On October 26 at Lawrence Central High School in Indianapolis, the Salem High School marching band marched away with the top honors at the Indiana State School Music Association 2013 Scholastic B State Championship;

Whereas, The band's winning Show Theme/Title was It's About Time (music by J.R. Trimpe) and the Repertoire was Tick Tock, Hourglass, and Chronos;

Whereas, The scholastic class is a new band class that

includes smaller band programs;

Whereas, The Salem High School marching band has also placed in these invitationals: Paoli - Class A 1st place (Best Music, Visual, General Effect, Percussion),North Harrison - Class A 1st place (Best Music, Visual, General Effect, Percussion, Auxiliary), and Floyd Central - Class A 1st place (Best Percussion, Auxiliary);

Whereas, The band also placed 3rd in the Class A Mid-States at Columbus North and 4th place (Best General Effect, Percussion, Auxiliary) in the Martinsville Mid-States;

Whereas, The Salem High School Marching Lions are an inspiration to all small school bands, having proved that a small band can do anything a bigger band can do;

Whereas, Band directors Bonnie Harmon and Richard L. Trueblood deserve special accolades for leading their band to such excellence; and

Whereas, It is fitting that the accomplishments of the Salem High School Marching Lions be given additional recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Salem High School marching band on winning the 2013 Scholastic B State Championship and wishes the members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to band directors Bonnie Harmon and Richard L. Trueblood; Drum Major Wade LaHue, the principal of Salem High School, Derek Smith; and Superintendent Dr. D. Lynn Reed.

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

House Concurrent Resolution 44

Representative Wolkins introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION concerning the United States Environmental Protection Agency's proposed greenhouse gas emission standards for new coal fueled power plants.

Whereas, On June 25, 2013, the President issued a memorandum to the United States Environmental Protection Agency (EPA) Administrator directing the EPA to propose New Source Performance Standards (NSPS) for greenhouse gases (GHG) that establish limits for carbon dioxide (CO2) emissions from new coal fired electric generating units, which the Administrator did on January 8, 2014;

Whereas, President Obama's Interagency Task Force on Carbon Capture and Storage August 2010 report determined that CCS technologies "are not ready for widespread implementation primarily because they have not been demonstrated at the scale necessary to establish confidence for power plant application";

Whereas, The federal Office of Management and Budget (OMB) determined the EPA's assertion of carbon capture being feasible at this time was heavily reliant upon literature reviews, pilot projects, and commercial facilities yet to operate, with OMB putting forth its belief that this cannot form the basis of a finding that Carbon Capture and Storage (CCS) on commercial scale power plants is adequately demonstrated;

Whereas, The EPA has failed to establish that CCS is the best system of emission reduction that has been adequately demonstrated, as required by the Clean Air Act and its implementing regulations;

Whereas, Indiana is the number one manufacturing state, per capita, in the United States, and any increase in electric rates could adversely impact Indiana's industries, leading to job losses and harm to its economic well-being;

Whereas, The United States Department of Energy's (DOE) National Energy Laboratory has found that the application of currently researched CCS technology to new coal fired power plants could increase the cost of electricity produced by such plants by 80 percent, which would severely impact industrial, commercial, and especially residential consumers;

Whereas, The most efficient coal fired power plants, such as those that use the commercially available ultrasupercritical, supercritical, and Integrated Gasification Combined Cycle technologies, represent the best system of emission reduction that has been adequately demonstrated, but alone would be insufficient to achieve the EPA's proposed performance standards;

Whereas, Indiana strongly supports a diversified energy mix in an "all-of-the-above" energy strategy and not an "all-but-one" approach that restricts the future use of coal to generate affordable electricity;

Whereas, In 2012, CO2 emissions from United States coal based electric generation were 23 percent below 2005 levels according to the United States EPA Clean Air Markets Acid Rain Program data base;

Whereas, More than 80 percent of Indiana's electricity is produced by coal base load power plants, and CO2 emissions from electric generation are continuing to decrease due to retirements of units that are uneconomic to retrofit to comply with other EPA regulations and operate due to market conditions;

Whereas, Total CO2 emissions for the United States have been decreasing and are on track to meet the administration's nonbinding target of 17 percent below 2005 levels by 2020; and

Whereas, The EPA's proposed requirements do not sufficiently recognize that accumulation of greenhouse gases in the atmosphere is a global issue and global action is required to address it: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Administration and Congress, with input from federal agencies, to establish a national energy policy that encourages access to and removal of impediments to all available domestic sources of energy so that it is affordable and reliable.

SECTION 2. That if the Environmental Protection Agency establishes standards of performance to address greenhouse gas emissions from new fossil fuel electric generating units, Indiana urges the EPA to establish separate emission standards for coal fueled electric generating units that are based on highly efficient units such as ultrasupercritical, supercritical and Integrated Gasification Combined Cycle technologies without CCS which will optimize the economic and equitable utilization of all types of domestic fuel sources – recognizing the fact that additional time is needed for carbon capture and storage to become an adequately demonstrated best system of emissions reduction.

SECTION 3. That the Indiana General Assembly urges the United States Environmental Protection Agency, the United States Department of Energy, and Congress to support industry efforts to research and develop CCS technologies.

SECTION 4. That the EPA's emission guidelines and standards of performance must be based on emissions reduction

measures that can be cost effectively achieved at affected power plants and that do not require existing units to retire or curtail operation.

SECTION 5. That the standards of performance should recognize state and regional variations in the provisions of affordable and reliable electricity so that each state can minimize compliance costs to ratepayers and maintain reliability.

SECTION 6. That the guidelines recognize the states' emissions reduction achievements to date and shall not intrude on the states' jurisdiction over integrated resource planning or otherwise mandate modifications to the mix of fuels in existing and future state generation portfolios.

SECTION 7. That Indiana will provide comments to the EPA that reflect the findings and resolved provisions of this resolution and Indiana urges other states/organizations to do likewise.

SECTION 8. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President of the United States and the United States Environmental Protection Agency.

The resolution was read a first time and referred to the Committee on Environmental Affairs.

Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representative DeLaney:

A CONCURRENT RESOLUTION honoring the Heslar Naval Armory and its staff for their many contributions to our nation and our state.

Whereas, On the eastern bank of the White River on 30th Street in Indianapolis sits the majestic building that houses the Heslar Naval Armory, whose mission it is to deliver strategic depth and operational capability to the Navy, Marine Corps, and Joint Forces;

Whereas, A part of the Works Progress Administration, construction began on the armory in 1936; but two years later, the building was already in use even though construction was not complete;

Whereas, Prior to its construction, the Navy reserves had no central location to drill;

Whereas, The armory was authorized by the Ninth Naval District and the city of Indianapolis due largely to the efforts of Captain O. F. Heslar;

Whereas, From the time Captain Heslar was named as the Area Commander of the Indiana reserves in 1922, he petitioned to have a dedicated armory built to house the Naval Reserve forces in the area;

Whereas, Originally named the Indianapolis Naval Armory, it was built on this inland location because its original purpose was to train sailors as radio operators (signalmen) and radio repairmen (electronic technicians);

Whereas, The Heslar Naval Armory also served as a school for cooks and bakers and quartered sailors in transit to new duty stations for a short time;

Whereas, With the outbreak of World War II, the armory's inland location became a perfect place to discuss secret military plans and, for high ranking officials seeking to avoid the constant surveillance on the coasts, to plan their Atlantic and Pacific campaigns;

Whereas, The armory has been home to the Naval and Marine Corps Reserves since its beginning, but an active duty staff conducts duties during normal business hours;

Whereas, On December 12, 1964, the Indianapolis Naval Armory was renamed the Heslar Naval Armory in honor of its first and longest-serving commanding officer;

Whereas, The current Commanding Officer, Commander Robert B. Szemborski, is the 26th Commanding Officer of the Heslar Naval Armory, which is home to more than 450 U.S. Navy reserve sailors from 10 units and more than 150 reserve Marines;

Whereas, The officers and staff of the Heslar Naval Armory have given unselfishly their time, knowledge, and efforts in defense of their nation and their state and to facilitate the Naval Reserve and the Indiana Naval Forces; and

Whereas, Heslar Naval Armory is home to several artifacts of Naval history, including a bell from the USS Indiana cast in 1942 with the commissioning of that ship, a bell from the USS Indianapolis cast in 1932 with the commissioning of that ship and removed to conserve weight prior to her final cruise, a damaged flag recovered from the USS Indianapolis presented to the city of Indianapolis on February 2, 1960, by the Indianapolis Council of the Navy League of the United States, a flag recovered from the USS Fechteler, hung in the wardroom, a quartermaster's logbook from the USS Indiana in 1943, and the original blueprints for the USS Indiana: 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 acknowledges the many contributions made by the staff of the Heslar Naval Armory in times of war and peace.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the commander of the Heslar Naval Armory.

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 11

The Speaker handed down Senate Concurrent Resolution 11, sponsored by Representatives Dermody and Soliday:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to dedicate the State Road 35 overpass just south of US 30 in Hamlet to Frank Harry Ono.

Whereas, Frank Harry Ono, a second-generation Japanese-American, was born in Delta, Colorado and resided in Starke County, Indiana;

Whereas, Frank Harry Ono served two years in the United States Army from September 2, 1943 to August 23, 1945;

Whereas, Frank Harry Ono held the rank of Private First Class as part of the all-Nisei 442nd Regimental Combat Team;

Whereas, Frank Harry Ono, during a battle on July 4, 1944 near Castellina Italy, advanced ahead of his unit and single-handedly defended his position against an enemy counter-attack;

Whereas, Frank Harry Ono braved intense hostile fire to aid two wounded comrades;

Whereas, Frank Harry Ono voluntarily covered his unit's retreat by engaging an enemy machine gun and exchanging fire with snipers armed with machine pistols;

Whereas, Frank Harry Ono made himself the constant target of concentrated enemy fire until his unit reached safety, completely disregarding his own safety;

Whereas, Frank Harry Ono received the Distinguished Service Cross, the Army's second-highest decoration, for his

heroic actions during the July 4, 1944 battle;

Whereas, Frank Harry Ono died on May 6, 1980, at Northern Indiana VA Medical Center in Fort Wayne at the age of 56; and

Whereas, President Bill Clinton awarded Frank Harry Ono the Medal of Honor posthumously on June 21, 2000, for his extraordinary heroism and devotion to duty: 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 recognizes the contributions made by Frank Harry Ono to the community, state and country by urging the Indiana Department of Transportation to rename the State Road 35 overpass just South of US 30 in Hamlet in his honor.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Indiana Department of Transportation, Terry Ono, Jenelle Gappa, Harry Ono, Terry Ono, George Ono, Jennifer Cieboch, and Jeanette Oblith.

The resolution was read a first time and referred to the Committee on Roads and Transportation

Senate Concurrent Resolution 20

The Speaker handed down Senate Concurrent Resolution 20, sponsored by Representative Koch:

A CONCURRENT RESOLUTION honoring Feldun Purdue Agricultural Center on its 100-year anniversary, and urging the Indiana Department of Transportation to consider signage commemorating the Feldun Purdue Agricultural Center's sustained presence and service to south-central Indiana and Hoosier farmers.

Whereas, Moses Fell Dunn, a highly regarded lawyer and member of the state legislature, donated 360 acres of land to Purdue University in 1914;

Whereas, Feldun Purdue Agricultural Center was established as Indiana's first "experiment station" outside of Tippecanoe County, and is Purdue University's oldest research farm outside of Tippecanoe County;

Whereas, From the original 360 acres of land, Feldun Purdue Agricultural Center has grown to more than 900 acres of land in Lawrence County, Indiana;

Whereas, Research at Feldun Purdue Agricultural Center focuses on commercial beef cattle breeding and management, but also includes studies of growth, yield, and cutting alternatives for upland central hardwoods and grazing research, limited agronomic field studies with row crops, and entomology; and

Whereas, The research performed at Feldun Purdue Agricultural Center has been said to have done more to improve the beef cattle in southern Indiana than any other single endeavor: 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 honors and congratulates the Feldun Purdue Agricultural Center on its 100-year anniversary.

SECTION 2. That the Indiana General Assembly urges the Indiana Department of Transportation to consider signage commemorating the Feldun Purdue Agricultural Center's sustained presence and service to all Hoosier farmers.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Mitchell E. Daniels, Jr., President of Purdue University, Jerry Frankhauser, Director of Purdue Agricultural Centers, Brad Shelton, Dr. Terry Stewart, and Dave Redman.

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 24

The Speaker handed down Senate Concurrent Resolution 24, sponsored by Representatives C. Brown and V. Smith:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename U.S. 20 in Lake County for the late Mayor Rudolph "Rudy" Clay.

Whereas, Rudolph "Rudy" Clay dutifully served the people of Gary and Lake County in a variety of capacities throughout four decades of public life;

Whereas, Rudy was born on July 16, 1935 in Alabama, and moved to Indiana at a very young age;

Whereas, Rudy is a graduate of Roosevelt High School and attended Indiana University;

Whereas, Prior to politics, Rudy served two years in the United States Army, and worked as an insurance agent in Midtown, Indiana;

Whereas, Rudy marched with Rev. Martin Luther King Jr. and Rev. Jesse Jackson Sr. at Gage Park in Chicago during the 1960s;

Whereas, Rudy was elected to the Indiana State Senate in 1972 to represent Indiana's 3rd District. He was the only African-American Senator in the General Assembly at the time;

Whereas, As a Senator, Rudy worked towards better treatment of prison inmates, a victims' compensation fund, a tenants' bill of rights, making Martin Luther King Jr. a state holiday, closing the Gary city dump, and fought against discriminatory hiring practices;

Whereas, Rudy was called on by then-Gov. Otis Bowen to negotiate a hostage situation in 1973 at the Indiana State Prison in Michigan City. The rioting inmates ended the 35-hour siege after they spoke with Clay;

Whereas, Following the State Senate, Rudy was elected to the Lake County Council, 2nd District, and served there from 1978 to 1984;

Whereas, Rudy was elected Lake County Recorder in 1984;

Whereas, In 1986, Rudy was shot at outside of his home by unidentified assailants. No charges were ever filed;

Whereas, The State Democratic Central Committee named Rudy the Lake County Party Chairman, a position in which he served from 2005 to 2009. Clay was the first African-American head of the Lake County Democratic Party;

Whereas, Following the resignation of Mayor Scott King, Rudy became Mayor in 2006. He would go on to win a popular election for mayor in 2007;

Whereas, Rudy served as Mayor of Gary, Indiana from 2006 through 2011. He decided not to seek reelection due to health concerns; and

Whereas, Rudy passed away on June 4, 2013 at the age of 77: Therefore,

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

SECTION 1. The Indiana General Assembly recognizes Rudolph "Rudy" Clay for his many accomplishments and

steadfast dedication to the people of Gary, Lake County, and the State of Indiana by urging the Indiana Department of Transportation to rename U.S. 20 in Lake County in his honor.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Indiana Department of Transportation and Rudy's family.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

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 3, 32, 53, 171, 185, 223, 266, 339, 350 and 405.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 36

Representative Koch called down Engrossed Senate Bill 36 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

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

Roll Call 244: yeas 97, 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 56

Representative Frye called down Engrossed Senate Bill 56 for third reading:

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

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

Roll Call 245: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker yielded the gavel to the Speaker Pro Tempore.

Engrossed Senate Bill 61

Representative Frye called down Engrossed Senate Bill 61 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

Roll Call 246: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 101

Representative McMillin called down Engrossed Senate Bill 101 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 247: yeas 73, nays 25. 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 117

Representative Frizzell called down Engrossed Senate Bill 117 for third reading:

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

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

Roll Call 248: yeas 97, 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 174

Representative Kirchhofer called down Engrossed Senate Bill 174 for third reading:

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

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

Roll Call 249: yeas 88, 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.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 186

Representative Lehe called down Engrossed Senate Bill 186 for third reading:

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

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

Roll Call 250: yeas 67, nays 30. 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 208

Representative Heaton called down Engrossed Senate Bill 208 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

Roll Call 251: yeas 96, 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 234

Representative Wolkins called down Engrossed Senate Bill 234 for third reading:

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

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

Roll Call 252: yeas 96, 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 Steuerwald is now excused.

Engrossed Senate Bill 245

Representative Zent called down Engrossed Senate Bill 245 for third reading:

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

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

Roll Call 253: yeas 96, 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 260

Representative Messmer called down Engrossed Senate Bill 260 for third reading:

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

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

Roll Call 254: yeas 97, 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 294

Representative Ober called down Engrossed Senate Bill 294 for third reading:

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

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

Roll Call 255: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 304

Representative Eberhart called down Engrossed Senate Bill 256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 256: yeas 93, 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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 14-19-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10.3. Recreational Trail Maintenance Fund

Sec. 1. The following definitions apply throughout this chapter:

(1) "Fund" refers to the recreational trail maintenance fund established by section 2 of this chapter.

(2) "Recreational trail" has the meaning set forth in IC 8-4.5-1-16.

(3) "Responsible party" has the meaning set forth in IC 8-4.5-1-17.

Sec. 2. (a) The recreational trail maintenance fund is established for the purpose of receiving money from the sources listed in subsection (b) for ultimate distribution to responsible parties to defray the costs of maintaining recreational trails. The department shall administer the fund.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(3) Federal grants or other federal appropriations.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.".

Page 2, line 17, delete "take" and insert "**take, except by trapping,**".

Page 2, line 17, delete "wild animal that is" and insert "**white-tailed deer, coyote, or migratory bird that poses a threat to aircraft within the airport operations area.**".

Page 2, delete lines 18 through 19.

Page 2, line 37, delete "**number of wild animals killed under subsection**" and insert "**following:**

(1) The number of animals killed under subsection (b)(5) by species.

(2) The date the animal was taken.

(3) The name and address of the person who took the animal, other than a migratory bird.

(4) The disposition of the animal.

(5) The name and address of the person to whom the animal was gifted or donated (if applicable).

A copy of the report must be kept at the public use airport (as defined by 49 U.S.C. 47102(22)) and be available upon request to an employee of the department. White-tailed deer must be tagged or accompanied by a piece of paper that includes the name and address of the person who took the deer, the date the deer was taken, and the location where the deer was taken before processing of the deer begins.".

Page 2, line 38, delete "(b)(5).".

Page 3, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 14-22-12-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a) The director may issue to residents of Indiana lifetime licenses to hunt, fish, or trap. Subject to subsection (b), the following license fees shall be charged:**

(1) Lifetime basic fishing license, twenty (20) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish.

(2) Lifetime basic hunting license, twenty (20) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt.

(3) Lifetime comprehensive fishing license, thirty (30)

times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species.

(4) Lifetime comprehensive hunting license, sixty (60) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(5) Lifetime comprehensive hunting and fishing license, the fee charged under subdivisions (3) and (4) less ten percent (10%). This license replaces the following:

(A) The resident yearly license to hunt.

(B) All other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(C) The resident yearly license to fish.

(D) All other yearly licenses, stamps, or permits to fish for a specific species.

(6) Lifetime trapping license, twenty (20) times the fee charged for a resident yearly license to trap. This license replaces the resident yearly license to trap.

(b) This subsection applies only to individuals who are at least fifty (50) years of age. The license fees under subsection (a) shall be reduced by the amount determined under STEP THREE of the following formula:

STEP ONE: Subtract forty-nine (49) from the resident applicant's age in years.

STEP TWO: Multiply the difference determined under STEP ONE by two and one-half percent (2.5%).

STEP THREE: Multiply the percentage determined under STEP TWO by the amount of the appropriate fee under subsection (a).

(c) Each lifetime license:

(1) is nontransferable;

(2) expires on the death of the person to whom the license is issued; and

(3) may be suspended or revoked for the same causes and according to the same procedures that a resident yearly license to hunt, fish, or trap, as appropriate, may be suspended or revoked.

(d) No part of a lifetime hunting, fishing, or trapping license fee is refundable. However, the holder of:

(1) a basic license to hunt or fish may be given credit for the current cost of such a license when purchasing a comprehensive license to hunt or fish or to hunt and fish; and

(2) a comprehensive license to hunt or fish may be given credit for the current cost of such a license when purchasing a lifetime comprehensive license to hunt and fish.

(e) All money received under this section shall be deposited in the lifetime hunting, fishing, and trapping license trust fund established by IC 14-22-4-1.

SECTION 4. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "committee" refers to the natural resources study committee established by IC 2-5-5-1.**

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) The general assembly urges the legislative council to assign to the committee or another appropriate study committee the following topics:

(1) A statewide policy for recreational trails and the maintenance of recreational trails.

(2) A method to distribute the money deposited into the recreational trail maintenance fund established by IC 14-19-10.3, as added by this act.

(d) If the committee or another appropriate study committee is assigned the topics described in subsection (c), the assigned committee shall issue to the legislative council a final report containing the assigned committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than September 1, 2014.

(e) This SECTION expires January 1, 2015.".

Renumber all SECTIONS consecutively.

(Reference is to SB 4 as reprinted January 24, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 50, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 25-8-15.4-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. As used in this chapter, "committee" refers to the tanning facility committee that may be established under section 21 of this chapter.~~".

Page 2, delete lines 3 through 10, begin a new paragraph and insert:

"SECTION 5. IC 25-8-15.4-21 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 21. (a) The board may establish the tanning facility committee.~~

~~(b) If the board establishes the committee under subsection (a), the committee consists of five (5) members appointed by the president of the board for terms of two (2) years. The committee must include the following:~~

~~(1) One (1) member of the board.~~

~~(2) One (1) owner of a licensed tanning facility who is licensed as a cosmetologist under IC 25-8-4.~~

~~(3) One (1) owner of a licensed tanning facility who does not hold any other license under this article.~~

~~(4) One (1) physician or other licensed health care provider who works in the area of dermatology.~~

~~(5) One (1) individual who is not associated with a tanning facility or a profession licensed under this article other than as a consumer.~~

~~(c) If the board establishes the committee under this section, the president of the board shall appoint one (1) of the committee members to serve as chairman of the committee.~~

SECTION 6. IC 25-8-15.4-22 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 22. A member of the committee may be removed by the board without cause.~~

SECTION 7. IC 25-8-15.4-23 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 23. (a) The committee may propose rules to the board concerning the following:~~

~~(1) The operation of tanning devices.~~

~~(2) The implementation of this chapter.~~

~~(b) The board may adopt rules under IC 4-22-2 that are recommended by the committee.~~".

Renumber all SECTIONS consecutively.

(Reference is to SB 50 as reprinted January 22, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Judiciary, to which was referred Senate Bill 60, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 60 as printed January 31, 2014.)

Committee Vote: Yeas 7, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 88, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 16, begin a new paragraph and insert:

"(b) When notice of an insanity defense is filed **in a case in which the defendant is not charged with a homicide offense under IC 35-42-1,** the court shall appoint two (2) or three (3) competent disinterested:

(1) psychiatrists;

(2) psychologists endorsed by the state psychology board as health service providers in psychology; or

(3) physicians;

who have expertise in determining insanity. At least one (1) of ~~whom~~ **the individuals appointed under this subsection** must be a psychiatrist ~~to~~ **or psychologist. The individuals appointed under this subsection shall** examine the defendant and ~~to~~ testify at the trial. This testimony shall follow the presentation of the evidence for the prosecution and for the defense, including **the** testimony of any ~~medical~~ **mental health** experts employed by the state or by the defense.

(c) When notice of an insanity defense is filed in a case in which the defendant is charged with a homicide offense under IC 35-42-1, the court shall appoint two (2) or three (3) competent disinterested:

(1) psychiatrists;

(2) psychologists endorsed by the state psychology board as health service providers in psychology; or

(3) physicians;

who have expertise in determining insanity. At least one (1) individual appointed under this subsection must be a psychiatrist and at least one (1) individual appointed under this subsection must be a psychologist. The individuals appointed under this subsection shall examine the defendant and testify at the trial. This testimony must follow the presentation of the evidence for the prosecution and for the defense, including the testimony of any mental health experts employed by the state or by the defense.".

Page 2, delete lines 1 through 21.

(Reference is to SB 88 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 118, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 11, delete "quarterly" and insert "**annually**".

Page 4, line 12, delete "officer" and insert "**body**".

Page 4, line 12, after "unit" insert "**before July 1**".

Page 4, delete lines 30 through 42.

Page 5, delete lines 1 through 4.

Page 8, line 20, delete "(a)".

Page 8, delete lines 38 through 42.

Page 9, delete line 1.

Page 13, delete lines 18 through 36, begin a new paragraph and insert:

"SECTION 11. IC 36-7-14-20, AS AMENDED BY P.L.146-2008, SECTION 730, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 20. (a) ~~Subject to the approval of~~ **If** the legislative body of the unit that established the department of redevelopment ~~if the redevelopment commission~~ considers it necessary to acquire real property in a redevelopment project area by the exercise of the power of eminent domain, the ~~commission~~ **legislative body** shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the unit on behalf of the department of redevelopment, in the circuit or superior court of the county in which the property is situated.

(b) Eminent domain proceedings under this section are governed by IC 32-24 and other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired under this section, but property belonging to the state or any political subdivision may not be acquired without its consent.

(c) The court having jurisdiction shall direct the clerk of the circuit court to execute a deed conveying the title of real property acquired under this section to the unit for the use and benefit of its department of redevelopment.".

Page 27, line 1, after "." insert "**A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision.**".

Page 27, line 5, delete "2014," and insert "**2015,**".

Page 39, line 23, delete "The" and insert "**Before July 1, the**".

Page 39, line 24, delete "quarterly" and insert "**annually**".

Page 39, line 24, delete "officer" and insert "**body**".

Page 39, delete lines 31 through 42.

Page 40, delete lines 1 through 2.

Page 41, delete lines 11 through 16.

Page 45, line 15, delete "(a)".

Page 45, delete lines 33 through 42.

Page 46, delete lines 1 through 12.

Page 53, line 27, after "." insert "**A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision.**".

Page 53, line 30, delete "2014," and insert "**2015,**".

Page 53, line 30, after "." insert "**However, an expiration date imposed by this subsection does not apply to an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter.**".

Page 60, delete lines 20 through 39.

Renumber all SECTIONS consecutively.

(Reference is to SB 118 as printed January 29, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 5.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Judiciary, to which was referred Senate Bill 138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 138 as printed January 24, 2014.)

Committee Vote: Yeas 7, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 143 as printed January 24, 2014.)

Committee Vote: Yeas 17, Nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Courts and Criminal Code, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 160 as as printed January 17, 2014.)

Committee Vote: Yeas 9, Nays 0.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 5 through 6.

Page 3, delete lines 23 through 24.

Page 5, line 16, delete "However,".

Page 5, delete lines 17 through 18.

Page 6, line 35, delete "However, the offense is a Level 2 felony".

Page 6, delete line 36.

Page 7, line 5, after "this" insert "section.".

Page 7, delete lines 6 through 24.

Page 8, line 5, delete "five (5) between" and insert "**between** five (5) **years**".

Page 8, line 6, delete "ten (10)".

Renumber all SECTIONS consecutively.

(Reference is to SB 169 as reprinted February 4, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 225, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Page 2, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 1. IC 4-10-22-3, AS AMENDED BY P.L.205-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. **If,** after completing the presentation to the state budget committee described in section 2 of this chapter, ~~the governor shall do the following:~~

~~(1) If the amount of excess reserves on June 30 of any year is less than fifty million dollars ($50,000,000), the governor shall carry over the excess reserves to each subsequent year until the total excess reserves, including any carryover amount, equal at least fifty million dollars ($50,000,000). In the year that the total excess reserves equal at least fifty million dollars ($50,000,000), the excess reserves shall be used as provided in subdivision (2).~~

~~(2) If in any year~~ the amount of the excess reserves is fifty million dollars ($50,000,000) or more, the governor shall do the following:

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

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

Page 19, delete lines 18 through 42.

Delete page 20.

Page 21, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 15. IC 5-10.2-4-4, AS AMENDED BY P.L.115-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The computation of benefits under this section is subject to IC 5-10.2-2-1.5.

(b) For retirement benefits payable on and after July 1, 1975, for a member retired on and after January 1, 1956, the pension (p) is computed as follows:

STEP ONE: Multiply one and one-tenths percent (1.1%) times the average of the annual compensation (aac) and obtain a product.

STEP TWO: To obtain the pension, multiply the STEP ONE product by the total creditable service (scr) completed by the member on the member's retirement date.

Expressed mathematically:

p = (.011) times (aac) times (scr)

(c) Unless the member:

(1) has chosen a lump sum payment under section 2(b) of this chapter;

(2) has elected to withdraw the entire amount in the member's annuity savings account under IC 5-10.2-3-6.5; or

(3) elects to defer receiving in any form the member's annuity savings account under section 2(c) of this chapter;

the annuity is the amount purchasable on the member's retirement date by the amount credited to the member in the annuity savings account. The amount purchasable is based on actuarial tables adopted by the board under IC 5-10.2-2-10 at an interest rate determined by the board **under IC 5-10.5-4-2.6.**

SECTION 16. IC 5-10.5-4-1, AS ADDED BY P.L.177-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board shall do all of the following:

(1) Appoint and fix the salary of a director.

(2) Employ or contract with employees, auditors, technical experts, legal counsel, and other service providers as the board considers necessary to transact the business of the fund without the approval of any state officer, and fix the compensation of those persons.

(3) Establish a general office in Indianapolis for board meetings and for administrative personnel.

(4) Provide for the installation in the general office of a complete system of:

(A) books;
(B) accounts, including reserve accounts; and
(C) records;
to give effect to all the requirements of this article and to ensure the proper operation of the fund.
(5) Provide for a report at least annually to each member of the amount credited to the member in the annuity savings account in each investment program under IC 5-10.2-2.
(6) With the advice of the actuary, adopt actuarial tables and compile data needed for actuarial studies that are necessary for the fund's operation.
(7) Act on applications for benefits and claims of error filed by members.
(8) Provide to retiring and retired members the option of converting the amount credited to the member's annuity savings account into an annuity that is administered and managed by the fund's employees.
~~(8)~~ **(9)** Have the accounts of the fund audited annually by the state board of accounts, and if the board determines that it is advisable, have the operation of a public pension or retirement fund of the system audited by a certified public accountant.
~~(9)~~ **(10)** Publish for the members a synopsis of the fund's condition.
~~(10)~~ **(11)** Adopt a budget on a calendar year or fiscal year basis that is sufficient, as determined by the board, to perform the board's duties and, as appropriate and reasonable, draw upon fund assets to fund the budget.
~~(11)~~ **(12)** Expend money, including income from the fund's investments, for effectuating the fund's purposes.
~~(12)~~ **(13)** Establish personnel programs and policies for the employees of the system.
~~(13)~~ **(14)** Submit a financial report before November 1 each year to the governor, the pension management oversight commission, and the budget committee. The report under this subdivision must set forth a complete operating and financial statement covering its operations during the most recent fiscal year, and include any other information requested by the chair of the pension management oversight commission. The report must be submitted to the pension management oversight commission in an electronic format pursuant to IC 5-14-6.
~~(14)~~ **(15)** Provide the necessary forms for administering the fund.
~~(15)~~ **(16)** Submit to the auditor of state or the treasurer of state vouchers or reports necessary to claim an amount due from the state to the system.

SECTION 17. IC 5-10.5-4-2, AS ADDED BY P.L.23-2011, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board may do any of the following:
(1) Establish and amend rules and regulations:
(A) for the administration and regulation of the fund and the board's affairs; and
(B) to effectuate the powers and purposes of the board;
without adopting a rule under IC 4-22-2.
(2) Make contracts and sue and be sued as the board of trustees of the Indiana public retirement system.
(3) Delegate duties to its employees.
(4) Enter into agreements with one (1) or more insurance companies to provide life, hospitalization, surgical, medical, dental, vision, long term care, or supplemental Medicare insurance, utilizing individual or group insurance policies for retired members of the fund, and, upon authorization of the respective member, deduct premium payments for such policies from the members' retirement benefits and remit the payments to the insurance companies.
~~(5) Enter into agreements with one (1) or more insurance companies to provide annuities for retired members of the fund, and, upon a member's authorization, transfer the amount credited to the member in the annuity savings account to the insurance companies.~~
~~(6)~~ **(5)** For the 1977 police officers' and firefighters' pension and disability fund, deduct from benefits paid and remit to the appropriate entities amounts authorized by IC 36-8-8-17.2.
~~(7)~~ **(6)** Whenever the fund's membership is sufficiently large for actuarial valuation, establish an employer's contribution rate for all employers, including employers with special benefit provisions for certain employees.
~~(8)~~ **(7)** Amortize prior service liability over a period of forty (40) years or less.
~~(9)~~ **(8)** Recover payments made under false or fraudulent representation.
~~(10)~~ **(9)** Give bond for an employee for the fund's protection.
~~(11)~~ **(10)** Receive the state's share of the cost of the pension contribution from the federal government for a member on leave of absence in order to work in a federally supported educational project.
~~(12)~~ **(11)** Summon and examine witnesses when adjusting claims.
~~(13)~~ **(12)** When adjusting disability claims, require medical examinations by doctors approved or appointed by the board. Not more than two (2) examinations may be conducted in one (1) year.
~~(14)~~ **(13)** Conduct investigations to help determine the merit of a claim.
~~(15)~~ **(14)** Meet an emergency that may arise in the administration of the board's trust.
~~(16)~~ **(15)** Determine other matters regarding the board's trust that are not specified.
~~(17)~~ **(16)** Exercise all powers necessary, convenient, or appropriate to carry out and effectuate its public and corporate purposes and to conduct its business.

(b) This subsection does not apply to investments of the board. A contract under subsection (a)(2) may be for a term of not more than five (5) years, with an ability to renew thereafter.
(c) An agreement under subsection (a)(4) may be for a duration of three (3) years.

SECTION 18. IC 5-10.5-4-2.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.6. (a) The board shall establish on April 1 and October 1 each year, beginning on October 1, 2014, the interest rate used to determine the annuity amount purchasable by a member of:**
(1) the public employees' retirement fund; or
(2) the teachers' retirement fund;
who elects to receive, as part of the member's retirement or disability benefit, an annuity provided by the amount credited to the member in the member's annuity savings account.
(b) The interest rate established under subsection (a) on a specified date is equal to:
(1) the average nominal interest rate on ten (10) year United States Treasury notes for the ten (10) years immediately preceding the specified date; plus
(2) two percent (2%).

SECTION 19. IC 5-10.5-4-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. Notwithstanding any other provision in this article, IC 5-10.2, IC 5-10.3, or IC 5-10.4, the board may not enter into an agreement with a third party provider to provide annuities for retiring members of:**
(1) the public employees' retirement fund; or
(2) the teachers' retirement fund.".

Page 23, delete lines 38 through 42.

Delete page 24.

Page 25, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 21. IC 8-15.5-1-2, AS AMENDED BY P.L.205-2013, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority, ~~and~~ a private entity, **and, where applicable, a governmental entity.** Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Before the authority or the department may issue a request for proposals for or enter into a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a toll road project, the general assembly must adopt a statute authorizing the imposition of tolls. However, during the period beginning July 1, 2011, and ending June 30, 2021, and notwithstanding subsection (c), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement to authorize an operator to impose tolls for the operation of motor vehicles on all or part of the following projects:

(1) A project on which construction begins after June 30, 2011, not including any part of Interstate Highway 69 other than a part described in subdivision (4).

(2) The addition of toll lanes, including high occupancy toll lanes, to a highway, roadway, or other facility in existence on July 1, 2011, if the number of nontolled lanes on the highway, roadway, or facility as of July 1, 2011, does not decrease due to the addition of the toll lanes.

(3) The Illiana Expressway, a limited access facility connecting Interstate Highway 65 in northwestern Indiana with an interstate highway in Illinois.

(4) A project that is located within a metropolitan planning area (as defined by 23 U.S.C. 134) and that connects the state of Indiana with the commonwealth of Kentucky.

(c) Before the authority or an operator may carry out any of the following activities under this article, the general assembly must enact a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than one hundred thousand (100,000) and less than one hundred ten thousand (110,000) located in a county having a consolidated city.

(2) Imposing tolls on motor vehicles for use of Interstate Highway 69.

(3) Imposing tolls on motor vehicles for use of a nontolled highway, roadway, or other facility in existence or under construction on July 1, 2011, including nontolled interstate highways, U.S. routes, and state routes.

(d) Except as provided in subsection (c)(1), the general assembly is not required to enact a statute authorizing the authority or the department to issue a request for proposals or enter into a public-private agreement for a freeway project.".

Page 26, delete lines 16 through 24, begin a new paragraph and insert:

"SECTION 18. IC 8-15.5-2-8, AS AMENDED BY P.L.205-2013, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. "Public-private agreement" means an agreement under this article between a private entity and the authority under which the private entity, acting on behalf of the authority **(and, where applicable, a governmental entity)** as lessee, licensee, or franchisee, will plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a project.".

Page 32, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 34. IC 10-13-3-40, AS ADDED BY P.L.190-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. ~~(a) The department may use the appropriations described in subsection (b) for either or both of the following purposes:~~

~~(1) Operating and maintaining the central repository for criminal history data.~~

~~(2) Establishing, operating, or maintaining an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7.~~

~~(b)~~ If the amount of money that is deposited in the state general fund during a state fiscal year from handgun license fees (as described in IC 35-47-2-4) exceeds one million one hundred thousand dollars ($1,100,000), the excess is appropriated from the state general fund to the department. ~~for the purposes described in subsection (a).~~ An appropriation under this section is subject to allotment by the budget agency.

SECTION 35. IC 21-34-10-7, AS AMENDED BY P.L.173-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** Bonds may be issued by the board of trustees of a state educational institution without the approval of the general assembly to finance a qualified energy savings project if annual operating savings to the state educational institution arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. However, the amount of bonds outstanding for the state educational institution ~~other than Ivy Tech Community College~~ at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, may not exceed ~~fifteen million dollars ($15,000,000) for each campus of the state educational institution. The amount of bonds outstanding for Ivy Tech Community College at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in sections 3 and 4 of this chapter, may not exceed forty-five million dollars ($45,000,000).~~ **the greater of:**

(1) fifteen million dollars ($15,000,000); or

(2) the product of:

(A) the total replacement value of all structures located on each campus of the state educational institution; multiplied by

(B) five percent (5%).

(b) Bonds issued under this section are not eligible for fee replacement.".

Page 33, after line 5, begin a new paragraph and insert:

"SECTION 40. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 225 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-44.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 44.6. "Countable asset" **means the following:**

(1) For purposes of IC 12-10-10, in determining eligibility for the community and home options to institutional care for the elderly and disabled program, property that is included in determining assets in the same manner as determining an individual's eligibility for the Medicaid aged and disabled waiver.

(2) For purposes of IC 12-20, means noncash property that is not necessary for the health, safety, or decent living standard of a household that:

~~(1)~~ **(A)** is owned wholly or in part by the applicant or a member of the applicant's household;

~~(2)~~ **(B)** the applicant or the household member has the legal right to sell or liquidate; and

~~(3)~~ **(C)** includes:

~~(A)~~ **(i)** real property other than property that is used for the production of income or that is the primary residence of the household;

~~(B)~~ **(ii)** savings and checking accounts, certificates of deposit, bonds, stocks, and other intangibles that have a net cash value; and

~~(C)~~ **(iii)** boats, other vehicles, or any other personal property used solely for recreational or entertainment purposes.

SECTION 2. IC 12-7-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 49.5. "CPI", for purposes of IC 12-10-10, has the meaning set forth in IC 12-10-10-2.5.**

SECTION 3. IC 12-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. As used in this chapter, "case management" means an administrative function conducted locally by an area agency on aging that includes the following:

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

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

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

(A) addresses an eligible individual's needs;

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

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

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

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

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

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

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

(B) the annual reverification of a plan recipient's income and assets, as may be required by the division under section 4(e) of this chapter.

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

SECTION 4. IC 12-10-10-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 2.5. As used in this chapter, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index.**

SECTION 5. IC 12-10-10-4, AS AMENDED BY P.L.99-2007, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) As used in this chapter, "eligible individual" means an individual who **meets the following criteria:**

(1) Is a resident of Indiana.

(2) Is:

(A) at least sixty (60) years of age; or

(B) an individual with a disability.

(3) Has assets **that meet the following criteria:**

(A) For an individual who participates in the program and whose date of application for the program is before January 1, 2015, assets that do not exceed five hundred thousand dollars ($500,000), as determined by the division. ~~and~~

(B) For an individual whose date of application for the program is after December 31, 2014, countable assets that do not exceed two hundred fifty thousand dollars ($250,000) adjusted by the CPI, as set forth in subsection (c). In determining assets under this clause, the division shall exclude an additional twenty thousand dollars ($20,000) in countable assets, as adjusted by the CPI as set forth in subsection (c).

(4) Qualifies under criteria developed by the board as having an impairment that places the individual at risk of losing the individual's independence, as described in subsection (b).

(b) For purposes of subsection (a), an individual is at risk of losing the individual's independence if the individual is unable to perform **any of the following:**

(1) Two (2) or more activities of daily living. The use by or on behalf of the individual of any of the following services or devices does not make the individual ineligible for services under this chapter:

~~(1)~~ **(A)** Skilled nursing assistance.

~~(2)~~ **(B)** Supervised community and home care services, including skilled nursing supervision.

~~(3)~~ **(C)** Adaptive medical equipment and devices.

~~(4)~~ **(D)** Adaptive nonmedical equipment and devices.

(2) One (1) activity of daily living if, using the needs based assessment established under section 13(1) of this chapter, the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(3) An activity if, using the needs based assessment established under section 13(1) of this chapter, the area agency on aging determines that targeted intervention or assistance with the activity would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(c) Before June 1, 2015, and before June 1 of each subsequent year, the division shall determine an adjusted asset limit to be used for purposes of subsection (a)(3)(B), subsection (d)(4), and section 13 of this chapter in the following state fiscal year. The adjusted asset limit for the following state fiscal year shall be determined as follows:

STEP ONE: Determine the percentage change between:

(A) the CPI as last reported for the calendar year ending in the state fiscal year in which the determination is made; and

(B) the CPI as last reported for the calendar year that precedes the calendar year described in clause

(A).

STEP TWO: Express the percentage change determined in STEP ONE as a two (2) digit decimal rounded to the nearest hundredth. A negative percentage change under this STEP must be treated as zero (0).

STEP THREE: Add one (1) to the STEP TWO result.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the asset limit used for purposes of subsection (a)(3)(B) in the state fiscal year in which the determination is made.

Before June 15, 2015, and before June 15 of each subsequent year, the division shall publish in the Indiana Register the adjusted asset limit to be used for purposes of subsection (a)(3)(B) in the following state fiscal year.

(d) The division shall, in accordance with standards established under section 13(3) of this chapter, establish a cost participation schedule for a program recipient based on the program participant's income and countable assets. The cost participation schedule must meet the following:

(1) Exclude from cost participation an eligible individual whose income and countable assets do not exceed one hundred fifty percent (150%) of the federal income poverty level.

(2) Exclude from cost participation for the total services provided to an individual under the program unless the eligible individual's income and countable assets exceed three hundred fifty percent (350%) of the federal income poverty level.

(3) In calculating income and countable assets for an eligible individual, deduct the medical expenses of the following:

(A) The individual.

(B) The spouse of the individual.

(C) The dependent children of the individual.

(4) Exclude twenty thousand dollars ($20,000) of a participant's countable assets, as adjusted by CPI, from consideration in determining a participant's cost participation.

The cost participation schedule established under this subsection may be applied only to an individual whose date of application for the program is after December 31, 2014.

(e) The division may require annual reverification for program participants whom the division determines are likely to experience a material increase in income or assets. An individual shall submit the information requested by the division to carry out the redetermination allowed by this subsection.

(f) The division may not require a family or other person to provide services as a condition of an individual's eligibility for or participation in the program.

SECTION 6. IC 12-10-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b), the case management under this chapter of an individual leading to participation in the program may not be conducted by any agency that delivers services under the program.

(b) If the division determines that there is no alternative agency capable of delivering services to the individual, the area agency on aging that performs the assessment under the program may also deliver the services.

(c) The division shall provide the necessary funding to provide case management services for the program, as determined under section 13(2) of this chapter.

SECTION 7. IC 12-10-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The division shall establish a program to train relatives of eligible individuals to provide homemaker and personal care services to those eligible individuals.

(b) Relatives of eligible individuals who complete the training program established under this section are eligible for reimbursement under this chapter or under the Medicaid program for the provision of homemaker and personal care services to those eligible individuals. Reimbursement under the Medicaid program is limited to those cases in which the provision of homemaker and personal care services to an eligible individual by a relative results in financial hardship to the relative.

(c) For services that an individual is eligible to receive under the program but receives from a relative or other individual without receiving compensation, the area agency on aging shall:

(1) determine, in accordance with section 13(4) of this chapter, the savings from not paying for these services; and

(2) allocate twenty percent (20%) of the savings calculated under subdivision (1) to offset the individual's cost share amount, if any, for participating in the program.

SECTION 8. IC 12-10-10-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. The division and the area agencies on aging shall jointly develop policies that establish the following:**

(1) A needs based assessment to be used in determining a client's needs and care plan under section 1(3) of this chapter.

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

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

(4) Procedures for determining cost savings as required by section 9(c) of this chapter.

(5) Program performance measures for the area agencies on aging.

SECTION 9. IC 12-10-10-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 14. (a) This section applies only to an individual whose date of application for the program is after December 31, 2014.**

(b) The division may obtain a lien on the program recipient's real property for the cost of services provided to the individual in the program if the cost of the services exceeds twenty thousand dollars ($20,000), as adjusted by the CPI under section 4(c) of this chapter, in the same manner and with the same requirements as the office obtains a lien against a Medicaid recipient under IC 12-15-8.5, except that there may be no look back of the program recipient's property as required under the Medicaid program in IC 12-15-8.5-2.

(c) The division may adopt rules necessary under IC 4-22-2 to implement this section.

SECTION 10. IC 12-10-11-8, AS AMENDED BY P.L.143-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The board shall do the following:

(1) Establish long term goals of the state for the provision of a continuum of care for the elderly and individuals with a disability based on the following:

(A) Individual independence, dignity, and privacy.

(B) Long term care services that are:

(i) integrated, accessible, and responsible; and

(ii) available in home and community settings.

(C) Individual choice in planning and managing long term care.

(D) Access to an array of long term care services:

(i) for an individual to receive care that is appropriate for the individual's needs; and

(ii) to enable a case manager to have cost effective alternatives available in the construction of care

plans and the delivery of services.

(E) Long term care services that include home care, community based services, assisted living, congregate care, adult foster care, and institutional care.

(F) Maintaining an individual's dignity and self-reliance to protect the fiscal interests of both taxpayers and the state.

(G) Long term care services that are fiscally sound.

(H) Services that:

(i) promote behavioral health; and

(ii) prevent and treat mental illness and addiction.

(2) Review state policies on community and home care services.

(3) Recommend the adoption of rules under IC 4-22-2.

(4) Recommend legislative changes affecting community and home care services.

(5) Recommend the coordination of the board's activities with the activities of other boards and state agencies concerned with community and home care services.

(6) Evaluate cost effectiveness, quality, scope, and feasibility of a state administered system of community and home care services.

(7) Evaluate programs for financing services to those in need of a continuum of care.

(8) Evaluate state expenditures for community and home care services, taking into account efficiency, consumer choice, competition, and equal access to providers.

(9) Develop policies that support the participation of families and volunteers in meeting the long term care needs of individuals.

(10) Encourage the development of funding for a continuum of care from private resources, including insurance.

~~(11) Develop a cost of services basis and a program of cost reimbursement for those persons who can pay all or a part of the cost of the services rendered. The division shall use this cost of services basis and program of cost reimbursement in administering IC 12-10-10. The cost of services basis and program of cost reimbursement must include a client cost share formula that:~~

~~(A) imposes no charges for an eligible individual whose income does not exceed one hundred fifty percent (150%) of the federal income poverty level; and~~

~~(B) does not impose charges for the total cost of services provided to an individual under the community and home options to institutional care for the elderly and disabled program unless the eligible individual's income exceeds three hundred fifty percent (350%) of the federal income poverty level.~~

~~The calculation of income for an eligible individual must include the deduction of the individual's medical expenses and the medical expenses of the individual's spouse and dependent children who reside in the eligible individual's household.~~

~~(12)~~ **(11)** Establish long term goals for the provision of guardianship services for adults.

~~(13)~~ **(12)** Coordinate activities and programs with the activities of other boards and state agencies concerning the provision of guardianship services.

~~(14)~~ **(13)** Recommend statutory changes affecting the guardianship of indigent adults.

~~(15)~~ **(14)** Review a proposed rule concerning home and community based services as required under section 9 of this chapter.

SECTION 11. IC 25-0.5-1-2.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.3. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-3.7 (anesthesiologist assistants).**

SECTION 12. IC 25-0.5-1-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. IC 25-1-1.1-4 applies to an individual licensed or certified under IC 25-14.3 (diabetes educators).**

SECTION 13. IC 25-0.5-2-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 34. IC 25-1-2-2.1 applies to licenses held by anesthesiologist assistants.**

SECTION 14. IC 25-0.5-2-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 35. IC 25-1-2-2.1 applies to licenses held by diabetes educators.**

SECTION 15. IC 25-0.5-3-43 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 43. IC 25-1-2-6(b) applies to the Indiana diabetes educators board.**

SECTION 16. IC 25-0.5-7-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the Indiana diabetes educators board under IC 25-1-6-3(a).**

SECTION 17. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 38. An occupation for which a person is licensed, certified, or registered by the Indiana diabetes educators board (IC 25-14.3-2-1) is a regulated occupation under IC 25-1-7.**

SECTION 18. IC 25-0.5-9-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 38. The Indiana diabetes educators board (IC 25-14.3-2-1) is a board under IC 25-1-8.**

SECTION 19. IC 25-0.5-12-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. The Indiana diabetes educators board (IC 25-14.3-2-1) is a board under IC 25-1-11.**".

Delete page 2.

Page 3, delete lines 1 through 32.

Page 6, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 18. IC 25-14.3 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

ARTICLE 14.3. DIABETES EDUCATORS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

Sec. 3. "Board" refers to the Indiana diabetes educators board established by IC 25-14.3-2-1.

Sec. 4. "Diabetes education" means a collaborative process through which persons with or at risk for diabetes mellitus gain the knowledge and skills needed to modify behavior and successfully self-manage diabetes and conditions related to diabetes.

Sec. 5. "Licensed diabetes educator" refers to an individual who is licensed under this article.

Chapter 2. Indiana Diabetes Educators Board

Sec. 1. The Indiana diabetes educators board is established.

Sec. 2. The board consists of seven (7) members appointed by the governor as follows:

(1) One (1) member who is a physician licensed under IC 25-22.5.

(2) One (1) member who is a registered nurse licensed

under IC 25-23.

(3) One (1) member who is a pharmacist licensed under IC 25-26 who has experience in diabetes education.

(4) One (1) member who is a dietitian certified under IC 25-14.5.

(5) One (1) member who:

(A) is a citizen at large;

(B) is not employed in the health care field; and

(C) either:

(i) has diabetes; or

(ii) cares for an individual who has diabetes.

(6) One (1) member who is a nutritionist and is certified by either:

(A) the Certification Board for Nutrition Specialists; or

(B) the American College of Nutrition.

(7) One (1) member who is a psychologist licensed under IC 25-33.

One (1) member appointed under subdivisions (2) through (4) must have completed either the credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators.

Sec. 3. Each member of the board serves a term of four (4) years or until a successor is appointed. The governor shall initially appoint:

(1) three (3) members for a term of four (4) years;

(2) three (3) members for a term of three (3) years; and

(3) one (1) member for a term of two (2) years.

Sec. 4. A member of the board may not serve for more than two (2) consecutive terms.

Sec. 5. The board shall organize annually and elect one (1) of the members as chairperson and one (1) of the members as secretary. The agency shall staff the board and arrange for the first meeting of the board at which the chairperson and secretary are elected.

Sec. 6. A quorum of the board consists of four (4) members. A majority of the board members is required to take any action.

Sec. 7. The board shall meet at least semiannually and upon the call of the chairperson or at the request of two (2) members.

Sec. 8. (a) The board shall adopt rules under IC 4-22-2 establishing:

(1) standards for professional responsibility or a code of ethics for the profession of diabetes educator;

(2) standards of practice that are based upon policies and positions adopted by the American Association of Diabetes Educators; and

(3) standards for continuing education requirements for diabetes educators.

(b) The board shall adopt rules under IC 4-22-2 to establish fees under IC 25-1-8-2 for:

(1) filing an application for licensure under this article;

(2) issuing an original license under this article;

(3) renewing a license issued under this article;

(4) replacing a license that has been lost or destroyed; and

(5) any other purposes prescribed by IC 25-1-8-2.

(c) The board shall investigate alleged violations brought under this article, conduct investigations, and schedule and conduct administrative hearings under IC 4-21.5.

(d) The board shall keep a record of:

(1) the proceedings of the board; and

(2) all individuals licensed by the board.

Chapter 3. License Requirements

Sec. 1. After July 1, 2015, a person may not use the title of "licensed diabetes educator" or profess to be a licensed diabetes educator unless the person holds a license under this article.

Sec. 2. An applicant for a license must file a written application with the board on forms provided by the board.

Sec. 3. An applicant must provide evidence to the board showing successful completion of one (1) of the following:

(1) The American Association of Diabetes Educators core concepts course with demonstrable experience in the care of individuals with diabetes under supervision that meets requirements specified in rules adopted by the board.

(2) The credentialing program of the American Association of Diabetes Educators or the National Certification Board for Diabetes Educators.

(3) An equivalent credentialing program as determined by the board.

Sec. 4. Requirements established by the board for licensure under this article must include a core body of knowledge and skills in:

(1) diabetes mellitus;

(2) biological and social sciences;

(3) communication;

(4) counseling;

(5) education; and

(6) experience in the care of individuals with diabetes.

Sec. 5. A license issued under this chapter is valid for two (2) years after the date of issuance.

Sec. 6. The board shall require each licensee to complete annually fifteen (15) hours of board approved continuing education.

Chapter 4. License Revocation or Suspension

Sec. 1. For purposes of this chapter, "unprofessional conduct" includes the following:

(1) Obtaining or attempting to obtain a license by fraud, misrepresentation, concealment of material facts, or making a false statement to the board.

(2) Conviction of a felony if the conviction has direct bearing on whether the person is trustworthy to serve the public as a licensed diabetes educator.

(3) Violation of any lawful order issued or rule adopted by the board.

Sec. 2. The board may:

(1) suspend or revoke a license; or

(2) issue a reprimand;

if the licensee engages in unprofessional conduct that has endangered or is likely to endanger the health, welfare, or safety of the public.

Chapter 5. Unlawful Practices

Sec. 1. A person who recklessly, knowingly, or intentionally violates this article commits a Class A misdemeanor.".

Page 11, between lines 40 and 41, begin a new line block indented and insert:

"**IC 25-14.3-5-1 (Concerning diabetes educators).**".

Page 13, after line 19, begin a new paragraph and insert:

"SECTION 20. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 233 as reprinted February 4, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 27, delete "discuss" and insert "**consult**".

Page 3, line 36, delete "substance abuse" and insert

"**addiction**".

Page 4, line 6, delete "substance abuse" and insert "**addiction**".

Page 4, line 17, after "and" insert "**addiction**".

Page 7, line 13, delete "use" and insert "**abuse**".

Page 7, line 16, delete "use" and insert "**abuse**".

(Reference is to SB 235 as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-12-37, AS AMENDED BY SEA 24-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. (a) The following definitions apply throughout this section:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

(A) that is located in Indiana;

(B) that:

(i) the individual owns;

(ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence;

(iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or

(iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. *Except as provided in subsection (p),* the deduction provided by this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

(1) the assessment date; or

(2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) forty-five thousand dollars ($45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

(1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;

(2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;

(3) the names of:

(A) the applicant and the applicant's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

(i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) ~~do~~ **does** not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or

other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance shall adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on March 1 in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on March 1 in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For ~~*assessments*~~ *assessment* dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of

residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

(A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or

(B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

(A) the property on which the homestead is currently located was vacant land; or

(B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

(A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or

(B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and

(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and

(B) cancels the deduction described in clause (A) for that property.

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.

~~*(p)*~~ **(q)** *This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.*

~~*(q)*~~ **(r)** *This subsection:*

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection ~~*(p).*~~ **(q).**

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) If a deduction is granted under this section for real property and the county auditor later determines that the real property is no longer eligible for the deduction under this section, the county auditor shall make a notation on the tax duplicate that the real property is ineligible for the deduction and indicate the date the notation is made. A bona fide purchaser without knowledge of the removal of the deduction under this section is not liable for any additional taxes and civil penalty that result from the removal of the deduction, and the additional taxes and civil penalty (if any) are imposed for property taxes first due and payable for an assessment date occurring before the notation is placed on the tax duplicate.".

Page 7, after line 4, begin a new paragraph and insert:

"SECTION 4. IC 32-21-4-1, AS AMENDED BY P.L.129-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following must be recorded in the recorder's office of the county where the land is situated:

(1) A conveyance or mortgage of land or of any interest in land.

(2) A lease for more than three (3) years.

(b) A conveyance, mortgage, or lease takes priority according to the time of its filing. The conveyance, mortgage, or lease is fraudulent and void as against any subsequent purchaser, lessee, or mortgagee in good faith and for a valuable consideration if the purchaser's, lessee's, or mortgagee's deed, mortgage, or lease is first recorded.

(c) ~~This subsection applies only to a mortgage. This subsection applies regardless of when a mortgage was recorded.~~ If:

(1) an instrument referred to in subsection (a) is recorded; and

(2) the instrument does not comply with the:

(A) requirements of:

(i) IC 32-21-2-3; or

(ii) IC 32-21-2-7; or

(B) technical requirements of IC 36-2-11-16(c);

the instrument is validly recorded and provides constructive notice of the contents of the instrument as of the date of filing."

Renumber all SECTIONS consecutively.

(Reference is to SB 249 as printed January 15, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Courts and Criminal Code, to which was referred Senate Bill 291, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 291 as printed January 24, 2014.)

Committee Vote: Yeas 9, Nays 0.

MCMILLIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred Senate Bill 330, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 330 as printed February 18, 2014.)

Committee Vote: Yeas 20, Nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Ways and Means, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 332 as printed January 29, 2014.)

Committee Vote: Yeas 17, Nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Judiciary, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 349 as printed January 24, 2014.)

Committee Vote: Yeas 8, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 377, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 18, beginning with "(27)" begin a new paragraph.

Page 10, line 17, reset in roman "The".

Page 26, line 40, after "telecopy" insert ";".

Page 41, line 11, after "telecopy" insert ";".

(Reference is to SB 377 Printer's Error as printed January 31, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 406, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 15, after line 40, begin a new paragraph and insert:

"SECTION 15. IC 12-7-2-44.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 44.6. "Countable asset" means the following:

(1) For purposes of IC 12-10-10, in determining eligibility for the community and home options to institutional care for the elderly and disabled program, property that is included in determining assets in the same manner as determining an individual's eligibility for the Medicaid aged and disabled waiver.

(2) For purposes of IC 12-20, means noncash property that is not necessary for the health, safety, or decent living standard of a household that:

~~(1)~~ **(A)** is owned wholly or in part by the applicant or a member of the applicant's household;

~~(2)~~ **(B)** the applicant or the household member has the legal right to sell or liquidate; and

~~(3)~~ **(C)** includes:

~~(A)~~ **(i)** real property other than property that is used for the production of income or that is the primary residence of the household;

~~(B)~~ **(ii)** savings and checking accounts, certificates of deposit, bonds, stocks, and other intangibles that have a net cash value; and

~~(C)~~ **(iii)** boats, other vehicles, or any other personal property used solely for recreational or entertainment purposes.

SECTION 16. IC 12-7-2-49.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: 1, 2014]: **Sec. 49.5. "CPI", for purposes of IC 12-10-10, has the meaning set forth in IC 12-10-10-2.5.**

SECTION 17. IC 12-8-1.5-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) The office of the secretary is designated as the single state agency for administration of the state Medicaid program under IC 12-15.**

(b) The office of the secretary shall develop and coordinate Medicaid policy for the state.

SECTION 18. IC 12-8-6.5-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 3. The office is designated as the single state agency for administration of the state Medicaid program under IC 12-15.~~

SECTION 19. IC 12-8-6.5-4, AS ADDED BY P.L.160-2012, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **Under the direction of the secretary,** the office shall develop and coordinate Medicaid policy for the state.

SECTION 20. IC 12-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 1. As used in this chapter, "case management" means an administrative function conducted locally by an area agency on aging that includes the following:

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

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

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

(A) addresses an eligible individual's needs;

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

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

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

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

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

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

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

(B) the annual reverification of a plan recipient's income and assets, as may be required by the division under section 4(e) of this chapter.

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

SECTION 21. IC 12-10-10-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 2.5. As used in this chapter, "CPI" refers to the United States Bureau of Labor Statistics Consumer Price Index, all items, all urban consumers, or its successor index.**

SECTION 22. IC 12-10-10-4, AS AMENDED BY P.L.99-2007, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 4. (a) As used in this chapter, "eligible individual" means an individual who **meets the following criteria:**

(1) Is a resident of Indiana.

(2) Is:

(A) at least sixty (60) years of age; or

(B) an individual with a disability.

(3) Has assets **that meet the following criteria:**

(A) For an individual who participates in the program and whose date of application for the program is before January 1, 2015, assets that do not exceed five hundred thousand dollars ($500,000), as determined by the division. ~~and~~

(B) For an individual whose date of application for the program is after December 31, 2014, countable assets that do not exceed two hundred fifty thousand dollars ($250,000) adjusted by the CPI, as set forth in subsection (c). In determining assets under this clause, the division shall exclude an additional twenty thousand dollars ($20,000) in countable assets, as adjusted by the CPI as set forth in subsection (c).

(4) Qualifies under criteria developed by the board as having an impairment that places the individual at risk of losing the individual's independence, as described in subsection (b).

(b) For purposes of subsection (a), an individual is at risk of losing the individual's independence if the individual is unable to perform **any of the following:**

(1) Two (2) or more activities of daily living. The use by or on behalf of the individual of any of the following services or devices does not make the individual ineligible for services under this chapter:

~~(1)~~ **(A)** Skilled nursing assistance.

~~(2)~~ **(B)** Supervised community and home care services, including skilled nursing supervision.

~~(3)~~ **(C)** Adaptive medical equipment and devices.

~~(4)~~ **(D)** Adaptive nonmedical equipment and devices.

(2) One (1) activity of daily living if, using the needs based assessment established under section 13(1) of this chapter, the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(3) An activity if, using the needs based assessment established under section 13(1) of this chapter, the area agency on aging determines that targeted intervention or assistance with the activity would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(c) Before June 1, 2015, and before June 1 of each subsequent year, the division shall determine an adjusted asset limit to be used for purposes of subsection (a)(3)(B), subsection (d)(4), and section 13 of this chapter in the following state fiscal year. The adjusted asset limit for the following state fiscal year shall be determined as follows:

STEP ONE: Determine the percentage change between:

(A) the CPI as last reported for the calendar year ending in the state fiscal year in which the determination is made; and

(B) the CPI as last reported for the calendar year that precedes the calendar year described in clause (A).

STEP TWO: Express the percentage change determined in STEP ONE as a two (2) digit decimal rounded to the nearest hundredth. A negative percentage change under this STEP must be treated as zero (0).

STEP THREE: Add one (1) to the STEP TWO result.

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the asset limit used for purposes of subsection (a)(3)(B) in the state fiscal year in which the determination is made.

Before June 15, 2015, and before June 15 of each subsequent year the division shall publish in the Indiana Register the adjusted asset limit to be used for purposes of subsection (a)(3)(B) in the following state fiscal year.

(d) The division shall, in accordance with standards established under section 13(3) of this chapter, establish a cost participation schedule for a program recipient based on the program participant's income and countable assets. The cost participation schedule must meet the following:

(1) Exclude from cost participation an eligible individual whose income and countable assets do not exceed one hundred fifty percent (150%) of the federal income poverty level.

(2) Exclude from cost participation for the total services provided to an individual under the program unless the eligible individual's income and countable assets exceed three hundred fifty percent (350%) of the federal income poverty level.

(3) In calculating income and countable assets for an eligible individual, deduct the medical expenses of the following:

(A) The individual.

(B) The spouse of the individual.

(C) The dependent children of the individual.

(4) Exclude twenty thousand dollars ($20,000) of a participant's countable assets, as adjusted by CPI, from consideration in determining a participant's cost participation.

The cost participation schedule established under this subsection may be applied only to an individual whose date of application for the program is after December 31, 2014.

(e) The division may require annual reverification for program participants whom the division determines are likely to experience a material increase in income or assets. An individual shall submit the information requested by the division to carry out the redetermination allowed by this

subsection.

(f) The division may not require a family or other person to provide services as a condition of an individual's eligibility for or participation in the program.

SECTION 23. IC 12-10-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b), the case management under this chapter of an individual leading to participation in the program may not be conducted by any agency that delivers services under the program.

(b) If the division determines that there is no alternative agency capable of delivering services to the individual, the area agency on aging that performs the assessment under the program may also deliver the services.

(c) The division shall provide the necessary funding to provide case management services for the program, as determined under section 13(2) of this chapter.

SECTION 24. IC 12-10-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 9. (a) The division shall establish a program to train relatives of eligible individuals to provide homemaker and personal care services to those eligible individuals.

(b) Relatives of eligible individuals who complete the training program established under this section are eligible for reimbursement under this chapter or under the Medicaid program for the provision of homemaker and personal care services to those eligible individuals. Reimbursement under the Medicaid program is limited to those cases in which the provision of homemaker and personal care services to an eligible individual by a relative results in financial hardship to the relative.

(c) For services that an individual is eligible to receive under the program but receives from a relative or other individual without receiving compensation, the area agency on aging shall:

(1) determine, in accordance with section 13(4) of this chapter, the savings from not paying for these services; and

(2) allocate twenty percent (20%) of the savings calculated under subdivision (1) to offset the individual's cost share amount, if any, for participating in the program.

SECTION 25. IC 12-10-10-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. The division and the area agencies on aging shall jointly develop policies that establish the following:**

(1) A needs based assessment to be used in determining a client's needs and care plan under section 1(3) of this chapter.

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

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

(4) Procedures for determining cost savings as required by section 9(c) of this chapter.

(5) Program performance measures for the area agencies on aging.

SECTION 26. IC 12-10-10-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: **Sec. 14. (a) This section applies only to an individual whose date of application for the program is after December 31, 2014.**

(b) The division may obtain a lien on the program recipient's real property for the cost of services provided to the individual in the program if the cost of the services exceeds twenty thousand dollars ($20,000), as adjusted by the CPI under section 4(c) of this chapter, in the same manner and with the same requirements as the office obtains a lien against a Medicaid recipient under IC 12-15-8.5, except that there may be no look back of the program recipient's property as required under the Medicaid program in IC 12-15-8.5-2.

(c) The division may adopt rules necessary under IC 4-22-2 to implement this section.

SECTION 27. IC 12-10-11-8, AS AMENDED BY P.L.143-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015]: Sec. 8. The board shall do the following:

(1) Establish long term goals of the state for the provision of a continuum of care for the elderly and individuals with a disability based on the following:

(A) Individual independence, dignity, and privacy.

(B) Long term care services that are:

(i) integrated, accessible, and responsible; and

(ii) available in home and community settings.

(C) Individual choice in planning and managing long term care.

(D) Access to an array of long term care services:

(i) for an individual to receive care that is appropriate for the individual's needs; and

(ii) to enable a case manager to have cost effective alternatives available in the construction of care plans and the delivery of services.

(E) Long term care services that include home care, community based services, assisted living, congregate care, adult foster care, and institutional care.

(F) Maintaining an individual's dignity and self-reliance to protect the fiscal interests of both taxpayers and the state.

(G) Long term care services that are fiscally sound.

(H) Services that:

(i) promote behavioral health; and

(ii) prevent and treat mental illness and addiction.

(2) Review state policies on community and home care services.

(3) Recommend the adoption of rules under IC 4-22-2.

(4) Recommend legislative changes affecting community and home care services.

(5) Recommend the coordination of the board's activities with the activities of other boards and state agencies concerned with community and home care services.

(6) Evaluate cost effectiveness, quality, scope, and feasibility of a state administered system of community and home care services.

(7) Evaluate programs for financing services to those in need of a continuum of care.

(8) Evaluate state expenditures for community and home care services, taking into account efficiency, consumer choice, competition, and equal access to providers.

(9) Develop policies that support the participation of families and volunteers in meeting the long term care needs of individuals.

(10) Encourage the development of funding for a continuum of care from private resources, including insurance.

~~(11) Develop a cost of services basis and a program of cost reimbursement for those persons who can pay all or a part of the cost of the services rendered. The division shall use this cost of services basis and program of cost reimbursement in administering IC 12-10-10. The cost of services basis and program of cost reimbursement must include a client cost share formula that:~~

~~(A) imposes no charges for an eligible individual whose income does not exceed one hundred fifty percent (150%) of the federal income poverty level; and~~

~~(B) does not impose charges for the total cost of services provided to an individual under the community and home options to institutional care for the elderly and disabled program unless the eligible individual's~~

~~income exceeds three hundred fifty percent (350%) of the federal income poverty level.~~

~~The calculation of income for an eligible individual must include the deduction of the individual's medical expenses and the medical expenses of the individual's spouse and dependent children who reside in the eligible individual's household.~~

~~(12)~~ **(11)** Establish long term goals for the provision of guardianship services for adults.

~~(13)~~ **(12)** Coordinate activities and programs with the activities of other boards and state agencies concerning the provision of guardianship services.

~~(14)~~ **(13)** Recommend statutory changes affecting the guardianship of indigent adults.

~~(15)~~ **(14)** Review a proposed rule concerning home and community based services as required under section 9 of this chapter.

SECTION 28. IC 12-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The office ~~of Medicaid policy and planning~~ **of the secretary** shall administer the Medicaid program under 42 U.S.C. 1396 et seq.

SECTION 29. IC 12-15-13-0.4, AS ADDED BY P.L.117-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. As used in this chapter, "office" includes the following:

(1) The office of ~~Medicaid policy and planning.~~ **the secretary of family and social services.**

(2) A managed care organization that has contracted with the office of Medicaid policy and planning under this article.

(3) A person that has contracted with a managed care organization described in subdivision (2).

SECTION 30. IC 16-18-2-84, AS AMENDED BY P.L.197-2011, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 84. "Council", ~~refers to the following:~~

~~(1) For purposes of IC 16-21, IC 16-25, IC 16-27, IC 16-28, and IC 16-29, the health care facility advisory council.~~

~~(2)~~ for purposes of IC 16-46-6, **refers to** the interagency state council on black and minority health.

SECTION 31. IC 16-18-2-199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 199. "Legend drug", for purposes of IC 16-42, means a drug that is:

(1) subject to 21 U.S.C. 353(b)(1); ~~or~~

(2) listed in the Prescription Drug Product List as:

(A) published in United States Department of Health and Human Services Approved Drug Products with Therapeutic Equivalence Evaluations, Tenth Edition, (1990); and

(B) revised in United State Department of Health and Human Services, Approved Drug Products with Therapeutic Equivalence Evaluations, Cumulative Supplement to the Tenth Edition, Number 10 (1990); **or**

(3) insulin.

SECTION 32. IC 16-19-15 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Health Care Facility Advisory Council).

SECTION 33. IC 16-21-1-7, AS AMENDED BY P.L.96-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. ~~(a) Except as provided in subsection (b), the council shall propose and~~ The executive board may adopt rules under IC 4-22-2 necessary to protect the health, safety, rights, and welfare of patients, including the following:

(1) Rules pertaining to the operation and management of hospitals, ambulatory outpatient surgical centers, abortion clinics, and birthing centers.

(2) Rules establishing standards for equipment, facilities, and staffing required for efficient and quality care of patients.

~~(b) The state department may request the council to propose a new rule or an amendment to an existing rule necessary to protect the health, safety, rights, and welfare of patients. If the council does not propose a rule within ninety (90) days of the department's request, the department may propose its own rule.~~

~~(c) The state department shall consider the rules proposed by the council and may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.~~

SECTION 34. IC 16-21-1-10, AS AMENDED BY P.L.1-2006, SECTION 295, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Licensure inspections of an institution or agency shall be made regularly in accordance with rules adopted under this chapter. The state department shall make all health and sanitation inspections, including inspections in response to an alleged breach of this chapter or rules adopted under this chapter. The division of fire and building safety shall make all fire safety inspections. ~~The council may provide for other inspections necessary to implement this chapter.~~

(b) An employee of the state department who knowingly or intentionally informs an institution or agency of the exact date of an unannounced inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be in writing and sent to the institution or agency.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 35. IC 16-21-2-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. The state department shall administer this chapter with the advice of the council.~~

SECTION 36. IC 16-25-3-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2.5. The state department shall administer this chapter with the advice of the health care facility advisory council established by IC 16-19-15-1.~~

SECTION 37. IC 16-27-0.5-9, AS AMENDED BY P.L.6-2012, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. ~~(a)~~ The state department may ~~request the health care facility advisory council to propose a new rule or an amendment to a rule~~ **adopt rules under IC 4-22-2** necessary to protect the health, safety, rights, and welfare of the home health care patients and hospice patients. ~~If the council does not propose a rule within ninety (90) days after the state department's request, the state department may propose the rule.~~

~~(b) The executive board shall consider rules proposed by the council under this section. The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.~~

~~(c) To become effective, all rules proposed by the council under this chapter must be adopted by the executive board in accordance with IC 4-22-2.~~

SECTION 38. IC 16-28-1-7, AS AMENDED BY P.L.156-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The ~~council~~ **state department** shall do the following:

(1) ~~Propose the adoption of~~ **Adopt** rules ~~by the department~~ under IC 4-22-2 governing the following:

(A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of patients.

(B) Qualifications of applicants for licenses issued under this article to assure the proper care of patients.

(C) Operation, maintenance, management, equipment, and construction of facilities required to be licensed under this article if jurisdiction is not vested in any other state agency.

(D) Manner, form, and content of the license, including

rules governing disclosure of ownership interests.

(E) Levels of medical staffing and medical services in cooperation with the office of Medicaid policy and planning, division of family resources, and other agencies authorized to pay for the services.

(2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.

(3) Classify health facilities in health care categories.

~~(4) Act as an advisory body for the division, commissioner, and state department.~~

SECTION 39. IC 16-28-1-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 9. The council may not waive a rule adopted under this chapter.~~

SECTION 40. IC 16-28-1-12 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 12. (a) The department may request the council to propose a new rule or an amendment to a rule necessary to protect the health, safety, rights, and welfare of patients. If the council does not propose a rule not more than ninety (90) days after the department's request, the department may propose its own rule.~~

~~(b) The executive board may adopt, modify, remand, or reject specific rules or parts of rules proposed by the council.~~

~~(c) To become effective, all rules adopted under this chapter must be adopted by the executive board in accordance with IC 4-22-2. The rules adopted under this chapter are the only rules governing the licensing and operation of health facilities.~~

SECTION 41. IC 16-28-1-13, AS AMENDED BY P.L.1-2006, SECTION 299, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. (a) Licensure inspections of health facilities shall be made regularly in accordance with rules adopted under this chapter. The division shall make all health and sanitation inspections. The division of fire and building safety shall make all fire safety inspections. ~~The council or the director may provide for other inspections necessary to carry out this chapter.~~

(b) The exact date of an inspection of a health facility under this chapter may not be announced or communicated directly or indirectly to the owner, administrator, or an employee of the facility before the inspection. An employee of the state department who knowingly or intentionally informs a health facility of the exact date of an inspection shall be suspended without pay for five (5) days for a first offense and shall be dismissed for a subsequent offense.

(c) Reports of all inspections must be:

(1) in writing; and

(2) sent to the health facility.

(d) The report of an inspection and records relating to the inspection may not be released to the public until the conditions set forth in IC 16-19-3-25 are satisfied.

SECTION 42. IC 16-28-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Hearings under this article shall be conducted in accordance with IC 4-21.5. Except for hearings held on the adoption of rules, an administrative law judge must meet the following conditions:

(1) Be admitted to the practice of law in Indiana.

(2) Not be ~~a member of the council or~~ an employee of the state.

(b) A health facility shall pay the costs of appointing an administrative law judge if the administrative law judge finds in favor of the state. However, if the administrative law judge finds in favor of the health facility, the state shall pay the costs of appointing the administrative law judge.

SECTION 43. IC 16-29-4-3, AS AMENDED BY P.L.6-2012, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. ~~The health care facility advisory council may recommend,~~ Before the conversion of existing health facility beds to ICF/MR beds or the construction of a new ICF/MR facility, ~~that~~ the state department **may** issue a preliminary approval of the proposed project, but only if the ~~council~~ **state department** determines that there is an insufficient number of available beds to care for all the persons who are determined under IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility.

SECTION 44. IC 16-29-4-4, AS AMENDED BY P.L.6-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A proposed project that receives preliminary approval under this chapter may not add more beds than the number determined by the ~~health care facility advisory council~~ **state department** to be necessary to provide an available bed for each person determined under IC 12-11-2.1 to be appropriate for placement in an ICF/MR facility. Upon completion of the proposed project and compliance with the other requirements for licensure under IC 16-28, the state department shall issue a license to the facility.

SECTION 45. IC 16-36-6-7, AS ADDED BY P.L.164-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The following individuals may complete a POST form:

(1) A qualified person who is:

(A) either:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but authorized to consent under IC 16-36-1-3(a)(2); and

(B) of sound mind.

(2) A qualified person's representative, if the qualified person:

(A) is less than eighteen (18) years of age and is not authorized to consent under IC 16-36-1-3(a)(2); or

(B) has been determined to be incapable of making decisions about the qualified person's health care by a treating physician acting in good faith and the representative has been:

(i) appointed by the individual under IC 16-36-1-7 to serve as the individual's health care representative;

(ii) authorized to act under IC 30-5-5-16 and IC 30-5-5-17 as the individual's attorney in fact with authority to consent to or refuse health care for the individual; ~~or~~

(iii) appointed by a court as the individual's ~~guardian~~ **health care representative** under IC 16-36-1-8; **or**

(iv) appointed by a court as the guardian of the person with the authority to make health care decisions under IC 29-3.

(b) In order to complete a POST form, a person described in subsection (a) and the qualified person's treating physician or the physician's designee must do the following:

(1) Discuss the qualified person's goals and treatment options available to the qualified person based on the qualified person's health.

(2) Complete the POST form, to the extent possible, based on the qualified person's preferences determined during the discussion in subdivision (1).

(c) When completing a POST form on behalf of a qualified person, a representative shall act:

(1) in good faith; and

(2) in:

(A) accordance with the qualified person's express or implied intentions, if known; or

(B) the best interest of the qualified person, if the qualified person's express or implied intentions are not known.

(d) A copy of the executed POST form shall be maintained in the qualified person's medical file.

SECTION 46. IC 16-37-2-4, AS AMENDED BY P.L.232-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A local health officer may accept a certificate of birth presented for

filing not more than ~~four (4) years~~ **twelve (12) months** after the birth occurred if the attending physician, certified nurse midwife, certified direct entry midwife, or other person desiring to file the certificate states the reason for the delay in writing. This statement shall be made a part of the certificate of birth.

SECTION 47. IC 16-37-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A certificate of birth presented for filing more than ~~four (4) years~~ **twelve (12) months** after the birth occurred is a delayed certificate of birth and the record shall be filed only with the state department.

SECTION 48. IC 16-38-4-1, AS AMENDED BY P.L.232-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. As used in this chapter, "birth problems" means one (1) or more of the following conditions:

(1) A structural deformation.

(2) A developmental malformation.

(3) A genetic, inherited, or biochemical disease.

(4) A condition of a chronic nature, including central nervous system hemorrhage or infection of the central nervous system, that may result in a need for long term health care.

(5) An autism spectrum disorder that is recognized in ~~a child before the child becomes five (5)~~ **an individual at any** ~~years of~~ age.

(6) A fetal alcohol spectrum disorder that is recognized before a child becomes five (5) years of age.

(7) Any other severe disability that is:

(A) designated in a rule adopted by the state department; and

(B) recognized in a child after birth and before the child becomes three (3) years of age.

(8) Complications resulting from a home delivery. As used in this subdivision, "home" includes the delivery of a viable fetus at a home or other non-health care facility.

(9) A visual impairment.

(10) Cortical blindness.

(11) Legal blindness.

SECTION 49. IC 16-38-4-8, AS AMENDED BY P.L.188-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:

(1) conduct epidemiologic and environmental studies and to apply appropriate preventive and control measures;

(2) **except for an autism spectrum disorder,** inform the parents of children with birth problems:

(A) at the time of discharge from the hospital; or

(B) if a birth problem is diagnosed during a physician or hospital visit that occurs before the child is:

(i) except as provided in item (ii), three (3) years of age at the time of diagnosis; or

(ii) five (5) years of age at the time of diagnosis if the disorder is ~~an autism spectrum disorder or~~ a fetal alcohol spectrum disorder;

about physicians care facilities, and appropriate community resources, including local step ahead agencies and the infants and toddlers with disabilities program (IC 12-12.7-2); ~~or~~

(3) except as provided in subsection (d), inform:

(A) the individual with problems at any age; or

(B) the individual's parent;

at the time of diagnosis, if the individual's disorder is an autism spectrum disorder, about physicians and appropriate state and community resources, including local step ahead agencies and the infants and toddlers with disabilities program (IC 12-12.7-2); or

~~(3)~~ **(4)** inform citizens regarding programs designed to prevent or reduce birth problems.

(b) The state department shall record in the birth problems registry:

(1) all data concerning birth problems of children that are provided from the certificate of live birth; and

(2) any additional information that may be provided by an individual or entity described in section 7(a)(2) of this chapter concerning a birth problem that is:

(A) designated in a rule adopted by the state department; and

(B) recognized:

(i) after the child is discharged from the hospital as a newborn;

(ii) before the child is five (5) years of age if the child is diagnosed with ~~an autism spectrum disorder or~~ a fetal alcohol spectrum disorder; ~~and~~

(iii) before the child is three (3) years of age for any diagnosis not specified in ~~item~~ **items** (ii) **and (iv); and**

(iv) at any age if the individual is diagnosed with an autism spectrum disorder.

(c) The state department shall:

(1) provide a physician and a local health department with necessary forms for reporting under this chapter; and

(2) report in an electronic format under IC 5-14-6 to the legislative council any birth problem trends that are identified through the data collected under this chapter.

(d) Concerning an individual who is at least eight (8) years of age and diagnosed with an autism spectrum disorder, the state department is not required to do any of the following:

(1) Report information to the federal Centers for Disease Control and Prevention.

(2) Confirm the individual's diagnosis.

(3) Verbally inform an individual of the information set forth in subsection (a)(3).

SECTION 50. IC 16-38-4-9, AS AMENDED BY P.L.232-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Certified nurse midwives, certified direct entry midwives, and individuals and entities described in section 7(a)(2) of this chapter shall report each confirmed case of a birth problem that is recognized at the time of birth to the registry not later than sixty (60) days after the birth. An individual or entity described in section 7(a)(2) of this chapter who recognizes a birth problem in**:**

(1) a child after birth but before the child is five (5) years of age, **if the child is diagnosed with a disorder other than an autism spectrum disorder;**

(2) an individual at any age, if the individual is diagnosed with an autism spectrum disorder; and

(3) a child before the child is three (3) years of age for any birth problem diagnosis not specified in subdivisions (1) and (2);

shall report the birth problem to the registry not later than sixty (60) days after recognizing the birth problem. Information may be provided to amend or clarify an earlier reported case.

(b) A person required to report information to the registry under this section may use, when completing reports required by this chapter, information submitted to any other public or private registry or required to be filed with federal, state, or local agencies. However, the state department may require additional, definitive information.

(c) Exchange of information between state department registries is authorized. The state department may use information from another registry administered by the state department. Information used from other registries remains subject to the confidentiality restrictions on the other registries.

SECTION 51. IC 16-41-42.2-4, AS ADDED BY P.L.3-2008, SECTION 113, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 4. The fund is to be used for the following purposes:

(1) Establishing and maintaining a state medical surveillance registry for traumatic spinal cord and brain injuries.

(2) Fulfilling the duties of the board established by section 5 of this chapter.

(3) Funding research related to the treatment and cure of spinal cord and brain injuries, including acute management, medical complications, rehabilitative techniques, and neuronal recovery. Research must be conducted in compliance with all state and federal laws.

(4) Develop a statewide trauma system.

However, not more than fifty percent (50%) of the money in the fund may be used for purposes of developing a statewide trauma system.

SECTION 52. IC 16-42-19-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 29. A legend drug that is composed wholly or partly of insulin may be sold for retail sale by a pharmacy only to an individual who possesses a prescription from one (1) of the following:**

(1) A physician licensed under IC 25-22.5.

(2) A veterinarian licensed to practice veterinary medicine in Indiana.

(3) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

(4) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.

SECTION 53. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "department" refers to the state department of health.**

(b) Before September 1, 2014, the department shall adopt rules that establish a license and provide regulations for a facility that provides specialized treatment and services for traumatic brain injuries.

(c) Before September 1, 2014, the department shall make to the legislative council and health finance commission recommendations concerning changes to the food handling laws. Recommendations made to the legislative council must be in an electronic format under IC 5-14-6.

(d) This SECTION expires December 31, 2014.

SECTION 54. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 406 as printed January 24, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-4-39 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 39. Rural Entrepreneurship Grant Program

Sec. 1. This chapter applies to an executive of a rural county or a person who submits a grant application after June 30, 2015.

Sec. 2. The purpose of this chapter is to:

(1) establish and fund programs to identify entrepreneurs with marketable ideas; and

(2) support the organization and development of new businesses in rural counties.

Sec. 3. The general assembly finds that establishing and supporting new businesses in rural counties serves a public purpose that benefits the general welfare of rural counties by encouraging investment, job creation and retention, economic growth, and more diverse economies.

Sec. 4. As used in this chapter, "incubator" means a facility in which space may be leased by a tenant and in which management provides access to business development services for use by tenants.

Sec. 5. As used in this chapter, "new business" refers to a business entity certified by the office as a new business under section 9 of this chapter.

Sec. 6. As used in this chapter, "office" refers to the office of community and rural affairs established by IC 4-4-9.7-4.

Sec. 7. As used in this chapter, "rural county" refers to a county having a population of less than fifty thousand (50,000).

Sec. 8. (a) The executive of a rural county may apply to the office for a grant that is renewable for up to three (3) years to promote entrepreneurship and new business development in the rural county. The application must:

(1) be in a form specified by the office;

(2) include a copy of an ordinance adopted by the county executive:

(A) committing up to two hundred fifty thousand dollars ($250,000) of local funds each state fiscal year for a dollar for dollar match to the grant received under this chapter; and

(B) specifying the source or sources of the funds committed; and

(3) include any information that the office determines necessary for evaluating the application.

(b) The local match required by subsection (a) may be funded from any of the following:

(1) The county economic development income tax under IC 6-3.5-7.

(2) Any public funds (other than property taxes) of the county or the county redevelopment commission.

(3) Any contributions, grants, donations, or bequests from an individual or a private entity.

Sec. 9. The office shall determine whether a business in a rural county is a new business and may certify the business as a new business if the office determines that the new business meets all the following criteria:

(1) The business is established or organized to do business in Indiana less than one (1) year before the business locates business operations in the rural county.

(2) The business conducts business operations in the rural county to provide goods or services for profit.

(3) The business meets any other criteria specified by the office.

Sec. 10. The office shall do the following:

(1) Adopt guidelines to determine standards for awarding grants under this chapter.

(2) Prepare and supervise the issuance of public information concerning the grant program established under this chapter.

(3) Prescribe the form for and regulate the submission of applications for grants under this chapter.

(4) Determine an applicant's eligibility to receive or renew a grant under this chapter.

(5) Work with the office of small business and entrepreneurship for assistance and information regarding small businesses.

Sec. 11. The office shall determine the amount of each grant awarded under this chapter.

Sec. 12. (a) Each county that receives a grant under this

chapter shall establish a rural entrepreneurship grant fund for the deposit of the grant money.

(b) Upon appropriation by the county fiscal body, money deposited in the rural entrepreneurship grant fund may be used for any of the following purposes, after recommendation by a local economic development organization in the county:

(1) Incubator development and operation.

(2) Accelerator development and operation.

(3) Obtaining small business support services provided by the office of small business and entrepreneurship or a similar entity.

(4) Assisting in the deployment of high speed Internet service (as defined by IC 5-28-33-2) to a new business located within the county if the service does not exist.

(5) Entrepreneurial internships established in the area that partner with high schools located within the county, or entrepreneurial classes established at local high schools that involve cooperation and collaboration with businesses in the area.

(c) Money in the fund may not be used to pay the administrative expenses of the fund.

Sec. 13. A county that receives a grant awarded under this chapter must comply with any guidelines developed by the office in connection with grants awarded under this chapter.

SECTION 2. IC 5-3-1-2, AS AMENDED BY P.L.141-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with this chapter.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) If any officer charged with the duty of publishing any notice required by law is unable to procure advertisement:

(1) at the price fixed by law;

(2) because the newspaper refuses to publish the advertisement; or

(3) because the newspaper refuses to post the advertisement on the newspaper's Internet web site (if required under section 1.5 of this chapter);

it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of publication of the notice in newspapers and on an Internet web site (if required under section 1.5 of this chapter).

~~(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter.~~

~~(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing.~~

SECTION 3. IC 5-3-1-2.3, AS AMENDED BY P.L.169-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.3. ~~(a)~~ A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

(1) a reasonable person would not be misled by the error or omission; and

(2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

~~(b) This subsection applies if:~~

~~(1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;~~

~~(2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and~~

~~(3) the county auditor is responsible for the error or omission described in subdivision (2).~~

~~Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision.~~

SECTION 4. IC 5-13-6-3, AS AMENDED BY P.L.89-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) All taxes collected by the county treasurer shall be deposited as one (1) fund in the several depositories selected for the deposit of county funds and, except as provided in subsection (b), remain in the depositories until distributed at the following semiannual distribution made by the county auditor.

(b) Every county treasurer who, by virtue of the treasurer's office, is the collector of any taxes for any political subdivision wholly or partly within the county shall, not later than thirty (30) days after receipt of a written request for funds filed with the treasurer by a proper officer of any political subdivision within the county, **provide to the county auditor the amount available for distribution, as certified for each semiannual distribution under IC 6-1.1-27-2. The county auditor shall** advance to that political subdivision a portion of the taxes collected before the semiannual distribution. The amount advanced may not exceed the lesser of:

(1) ninety-five percent (95%) of the total amount collected at the time of the advance; or

(2) ninety-five percent (95%) of the amount to be distributed at the semiannual distribution.

(c) Upon notice from the county treasurer of the amount to be advanced, the county auditor shall draw a warrant upon the county treasurer for the amount. The amount of the advance must be available immediately for the use of the political subdivision.

(d) At the semiannual distribution all the advances made to any political subdivision under subsection (b) shall be deducted from the total amount due any political subdivision as shown by the distribution.

(e) If a county auditor fails to make a distribution of tax collections by the deadline for distribution under subsection (b), a political subdivision that was to receive a distribution may recover interest on the undistributed tax collections under IC 6-1.1-27-1.

SECTION 5. IC 6-1.1-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 19. **(a)** Each year a public utility company shall file a statement concerning the value and description of the property which is either owned or used by the company on the assessment date of that year. The company shall file this statement with the department of local government finance ~~on the form~~ **in the manner** prescribed by the department. The department of local government finance may extend the due date for a statement. Unless the department of local government finance grants an extension, a public utility company shall file its statement for a year:

(1) on or before March 1st of that year unless the company is a railroad car company; or

(2) on or before ~~May~~ **July** 1st of that year if the company is a railroad car company.

(b) A public utility company may, not later than sixty (60) days after filing a valid and timely statement under subsection (a), file an amended statement:

(1) for distribution purposes;

(2) to correct errors; or

(3) for any other reason, except:

(A) obsolescence; or

(B) the credit for railroad car maintenance and improvements provided under IC 6-1.1-8.2.".

Delete pages 2 through 4.

Page 5, delete lines 1 through 21.

Page 15, line 41, delete "P.L.288-2013," and insert "SEA 24-2014, SECTION 19, IS".

Page 15, delete line 42.

Page 16, line 1, delete "CORRECTED AND".

Page 23, between lines 41 and 42, begin a new paragraph and insert:

"**(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:**

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana;

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. However, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6.".

Page 28, line 7, delete "The" and insert "**Subject to subsection (i),** the".

Page 29, delete lines 9 through 42, begin a new paragraph and insert:

"**(i) A taxpayer is not entitled to relief under this section unless the taxpayer files a petition to correct an error:**

(1) with the auditor of the county in which the taxes were originally paid; and

(2) within three (3) years after the taxes were first due.

SECTION 21. IC 6-1.1-17-3, AS AMENDED BY P.L.137-2012, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall give notice ~~by publication~~ to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these items. **Each year** the political subdivision or appropriate fiscal body shall ~~publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice.~~ **submit this information to the department's computer gateway before September 14 and at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department. The department shall make this information available to taxpayers through its computer gateway at least ten (10) days before the public hearing required by this subsection and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the information under this subsection by the taxpayer's address.**

(b) For taxes due and payable in 2015 and 2016, each county shall publish a notice in accordance with IC 5-3-1 in two (2) newspapers published in the county stating the Internet address at which the information under subsection (a) is available and the telephone number through which taxpayers may request copies of a political subdivision's information under subsection (a). If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. The department of local government finance shall prescribe the notice. Notice under this subsection shall be published before September 14. Counties may seek reimbursement from the political subdivisions within their legal boundaries for the cost of the notice required under this subsection. The actions under this subsection shall be

completed in the manner prescribed by the department.

~~(b)~~ **(c)** The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c)~~ **(d)** The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(e) A political subdivision for which any of the information under subsection (a) is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(f) If a political subdivision or appropriate fiscal body timely submits the information under subsection (a) but subsequently discovers the information contains a typographical error, the political subdivision or appropriate fiscal body may request permission from the department to submit amended information to the department's computer gateway. However, such a request must occur not later than seven (7) days before the public hearing held under subsection (a). Acknowledgment of the correction of an error shall be posted on the department's computer gateway and communicated by the political subdivision or appropriate fiscal body to the fiscal body of the county in which the political subdivision and appropriate fiscal body are located.

SECTION 22. IC 6-1.1-17-16, AS AMENDED BY P.L.218-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in section 16.1 of this chapter, the department of local government finance is not required to hold a public hearing before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section.

(d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b). The department of local government finance shall give the political subdivision notification electronically in the manner prescribed by the department of local government finance specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ten (10) calendar days from the date the political subdivision receives the notice to provide a response electronically in the manner prescribed by the department of local government finance. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error. The department of local government finance shall consider the adjustments as specified in the political subdivision's response if the response is provided as required by this subsection and shall deliver a final decision to the political subdivision.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

(1) no bonds of the building corporation are outstanding; or

(2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

(1) the county auditor;

(2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;

(3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on the statement filed to initiate the appeal; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department:

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15 of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance ~~may~~ **shall** increase a political subdivision's tax levy to an amount that exceeds the amount originally ~~fixed~~ **advertised or adopted** by the political subdivision if:

(1) the increase is ~~(1)~~ requested in writing by the officers of the political subdivision;

(2) ~~either:~~ **the requested increase is published on the**

department's advertising Internet web site; and

~~(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or~~

~~(B) results from an inadvertent mathematical error made in determining the levy; and~~

(3) ~~published by the political subdivision according to a notice provided by the department.~~ **notice is given to the county fiscal body of the error and the department's correction.**

If the department increases a levy beyond what was advertised or adopted under this subsection, it shall reduce the levy affected below the maximum allowable levy by the lesser of five percent (5%) of the difference between the advertised or adopted levy and the increased levy, or one hundred thousand dollars ($100,000).

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.".

Delete pages 30 through 32.

Page 33, delete lines 1 through 37.

Page 34, delete lines 14 through 42.

Delete pages 35 through 38.

Page 39, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 26. IC 6-1.1-20.3-6.5, AS AMENDED BY P.L.257-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) After the board receives a petition concerning a political subdivision under section 6(a) or 6(b)(2) of this chapter, the board may designate the political subdivision as a distressed political subdivision if at least one (1) of the following conditions applies to the political subdivision:

(1) The political subdivision has defaulted in payment of principal or interest on any of its bonds or notes.

(2) The political subdivision has failed to make required payments to payroll employees for thirty (30) days or two (2) consecutive payrolls.

(3) The political subdivision has failed to make required payments to judgment creditors for sixty (60) days beyond the date of the recording of the judgment.

(4) The political subdivision, for at least thirty (30) days beyond the due date, has failed to do any of the following:

(A) Forward taxes withheld on the incomes of employees.

(B) Transfer employer or employee contributions due under the Federal Insurance Contributions Act (FICA).

(C) Deposit the political subdivision's minimum obligation payment to a pension fund.

(5) The political subdivision has accumulated a deficit equal to eight percent (8%) or more of the political subdivision's revenues. For purposes of this subdivision, "deficit" means a negative fund balance calculated as a percentage of revenues at the end of a budget year for any governmental or proprietary fund. The calculation must be presented on an accrual basis according to generally accepted accounting principles.

(6) The political subdivision has sought to negotiate a resolution or an adjustment of claims that in the aggregate:

(A) exceed thirty percent (30%) of the political subdivision's anticipated annual revenues; and

(B) are ninety (90) days or more past due.

(7) The political subdivision has carried over interfund loans for the benefit of the same fund at the end of two (2) successive years.

(8) The political subdivision has been severely affected, as determined by the board, as a result of granting the property tax credits under IC 6-1.1-20.6.

(9) In addition to the conditions listed in subdivisions (1) through (8), and in the case of a school corporation, the board may also designate a school corporation as a distressed political subdivision if at least one (1) of the following conditions applies:

(A) The school corporation has:

(i) issued refunding bonds under IC 5-1-5-2.5; or

(ii) adopted a resolution under IC 5-1-5-2.5 making the determinations and including the information specified in IC 5-1-5-2.5(g).

(B) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's 2011 ADM ranks in the highest ten (10) among all school corporations.

(C) The ratio that the amount of the school corporation's debt (as determined in December 2010) bears to the school corporation's total assessed valuation for calendar year 2011 ranks in the highest ten (10) among all school corporations.

(D) The amount of homestead assessed valuation in the school corporation for calendar year 2011 was at least sixty percent (60%) of the total amount of assessed valuation in the school corporation for calendar year 2011.

(10) In addition to the conditions listed in subdivisions (1) through (9), and in the case of a school corporation, the board shall also designate a school corporation as a distressed political subdivision if the school corporation's petition for a loan from the counter-cyclical revenue and economic stabilization fund was denied in October 2013.

The board may consider whether a political subdivision has fully exercised all the local options available to the political subdivision, such as a local option income tax or a local option income tax rate increase or, in the case of a school corporation, an operating referendum.

(b) If the board designates a political subdivision as distressed under subsection (a), the board shall review the designation annually to determine if the distressed political subdivision meets at least one (1) of the conditions listed in subsection (a).

(c) If the board designates a political subdivision as a distressed political subdivision under subsection (a), the board shall immediately notify:

(1) the treasurer of state; and

(2) the county auditor and county treasurer of each county in which the distressed political subdivision is wholly or partially located;

that the board has designated the political subdivision as a distressed political subdivision.

SECTION 27. IC 6-1.1-20.3-7.5, AS AMENDED BY SEA 24-2014, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) This section does not apply to:

(1) a school corporation designated before July 1, 2013, as a distressed political subdivision; **or**

(2) a school corporation designated as a distressed political subdivision under section 6.5(a)(10) of this chapter, regardless of the date of the designation.

(b) If the board designates a political subdivision as a distressed political subdivision under section 6.5 or 6.7 of this chapter, the board shall appoint an emergency manager for the distressed political subdivision. An emergency manager serves at the pleasure of the board.

(c) The chairperson of the board shall oversee the activities of an emergency manager.

(d) The distressed political subdivision shall pay the

emergency manager's compensation and reimburse the emergency manager for actual and necessary expenses.

SECTION 28. IC 6-1.1-20.3-8.3, AS AMENDED BY P.L.257-2013, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.3. **(a)** After the board receives a petition concerning a school corporation under section 6(b)(1) of this chapter, the board shall review the school corporation's request for a loan from the counter-cyclical revenue and economic stabilization fund under IC 6-1.1-21.4-3(b). **Subject to subsection (b),** the board shall make a recommendation to the state board of finance regarding the loan request. The board may consider whether a school corporation has attempted to secure temporary cash flow loans from the Indiana bond bank or a financial institution in making its recommendation.

(b) The board shall recommend that the state board of finance approve a loan request submitted by a school corporation designated as a distressed political subdivision under section 6.5(a)(10) of this chapter.

SECTION 29. IC 6-1.1-21.4-2, AS AMENDED BY P.L.145-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "eligible school corporation" refers to ~~either~~ **any** of the following:

(1) A school corporation located in a county in which distributions of property tax revenue for 2007 or 2008 to the taxing units (as defined in IC 6-1.1-1-21) of the county:
  (A) have not been made; or
  (B) were delayed by more than sixty (60) days after either due date specified in IC 6-1.1-22-9.

(2) A school corporation that is:
  (A) designated by the distressed unit appeal board as a distressed political subdivision under IC 6-1.1-20.3; or
  (B) approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3.

(3) A school corporation approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3(b).

SECTION 30. IC 6-1.1-21.4-3, AS AMENDED BY P.L.145-2012, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An eligible school corporation may apply to the board for a loan from the counter-cyclical revenue and economic stabilization fund.

(b) Subject to subsections (c) and (d) and section 3.5 of this chapter, an eligible school corporation described in section 2(2) of this chapter may apply to the board for a loan. The maximum amount of a loan that the board may approve for the eligible school corporation is the lesser of the following:

(1) Five million dollars ($5,000,000).

(2) The product of:
  (A) one thousand dollars ($1,000); multiplied by
  (B) the school corporation's 2012 ADM.

(c) At the time the distressed unit appeal board designates a school corporation as a distressed political subdivision under IC 6-1.1-20.3 or recommends under IC 6-1.1-20.3-8.3 that a loan from the fund be approved for a school corporation, the distressed unit appeal board may also recommend to the state board of finance that a loan from the fund to the school corporation be contingent upon any of the following:

(1) The sale of specified unused property by the school board.

(2) The school corporation modifying one (1) or more specified contracts entered into by the school corporation.

(d) In making a loan from the fund to a school corporation, the state board of finance may make the loan contingent upon any condition recommended by the distressed unit appeal board under subsection (c).

(e) This subsection applies only to an eligible school corporation approved for a loan by the distressed unit appeal board under IC 6-1.1-20.3-8.3(b). The board shall make the loan approved by the distressed unit appeal board as requested by the eligible school corporation. The following apply to a loan made under this subsection:

(1) The maximum amount of a loan set forth in subsection (b).

(2) Sections 3.5 through 7 of this chapter.

In addition, an eligible school corporation receiving a loan under this subsection shall sell any unimproved land owned by the eligible school corporation that on April 1, 2014, is not contiguous to the grounds of any school.".

Page 39, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 27. IC 6-1.1-24-1, AS AMENDED BY P.L.203-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) On or after January 1 of each calendar year in which a tax sale will be held in a county and not later than fifty-one (51) days after the first tax payment due date in that calendar year, the county treasurer (or county executive, in the case of property described in subdivision (2)) shall certify to the county auditor a list of real property on which any of the following exist:

(1) In the case of real property other than real property described in subdivision (2), any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10 and the delinquent property ~~tax or~~ **taxes,** special assessments, **penalties, fees, or interest** due exceed twenty-five dollars ($25).

(2) In the case of real property for which a county executive has certified to the county auditor that the real property is:
  (A) vacant; or
  (B) abandoned;

any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made. The executive of a city or town may provide to the county executive of the county in which the city or town is located a list of real property that the city or town has determined to be vacant or abandoned. The county executive shall include real property included on the list provided by a city or town executive on the list certified by the county executive to the county auditor under this subsection.

(3) Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Except as provided in section 1.2 or another provision of this chapter, the taxpayer's property shall remain on the list. The list must:

(1) describe the real property by parcel number and common address, if any;

(2) for a tract or item of real property with a single owner, indicate the name of the owner; and

(3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county

auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 28. IC 6-1.1-24-1.2, AS AMENDED BY P.L.48-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 of this chapter before the tax sale unless all:

(1) delinquent taxes and special assessments due before the date the list on which the property appears was certified under section 1 of this chapter; and

(2) penalties due on the delinquency, interest, and costs directly attributable to the tax sale;

have been paid in full.

(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 of this chapter. However, a partial payment does not remove a tract or an item from the list certified under section 1 of this chapter unless the taxpayer complies with subsection (a) or (c) before the date of the tax sale.

(c) A county auditor shall remove a tract or an item of real property from the list certified under section 1 of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county auditor shall remove the tract or item from the list certified under section 1 of this chapter if:

(1) the arrangement described in subsection (c):

(A) is in writing;

(B) is signed by the taxpayer; and

(C) requires the taxpayer to pay the delinquent taxes in full not later than the last business day before ~~July 1 of the year after~~ **the first anniversary of** the date the agreement is signed; and

(2) the county treasurer has provided a copy of the written agreement to the county auditor.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c):

(1) the arrangement is void; and

(2) the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

(f) If the county auditor acts under subsection (e) with respect to a tract or item subject to an arrangement described in subsection (c), the taxpayer may ~~not~~ enter into another arrangement under subsection (c) with respect to that tract or item after the due date of the payment referred to in subsection (d) ~~and~~ **only if the new payment arrangement requires that the taxpayer:**

(1) pay at least one-third (1/3) of the taxes due and payable when the new payment arrangement is entered into; and

(2) pay the balance of the taxes due and payable that remains after application of the payment described in subdivision (1) before the first anniversary of the date on which the new payment arrangement is entered into.

If the county auditor acts under subsection (e) with respect to a tract or item subject to an arrangement described in subsection (c) and the county auditor and the taxpayer do not make a new arrangement under subsection (c) with respect to that tract or item that conforms with subdivisions (1) and (2) , the taxpayer may not enter into another arrangement with respect to that tract or item before the ~~date that succeeds by five (5) years~~ **fifth anniversary of** the date on which the original arrangement would have expired if the arrangement had not become void under subsection (e). **If the county auditor and the taxpayer make a new arrangement under subsection (c) with respect to that tract or item that conforms with subdivisions (1) and (2) and the county auditor again acts under subsection (e) with respect to the tract or item subject to the new arrangement, the taxpayer may not enter into another arrangement with respect to that tract or item before the fifth anniversary of the date on which the new arrangement would have expired if the new arrangement had not become void under subsection (e).**

SECTION 29. IC 6-2.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An excise tax, known as the state gross retail tax, is imposed on retail transactions made in Indiana.

(b) The person who acquires property in a retail transaction is liable for the tax on the transaction and, except as otherwise provided in this chapter, shall pay the tax to the retail merchant as a separate added amount to the consideration in the transaction. ~~The~~ **A** retail merchant **engaged in business in Indiana (as defined in IC 6-2.5-3-1(c)) or who has permission from the department to collect the tax** shall collect the tax as agent for the state.".

Page 39, line 41, delete "to" and insert "**to:**

(1) transport to a destination outside Indiana within thirty (30) days after delivery; and

(2) title or register for use in another state or country; is the rate of that state or country (excluding any locally imposed tax rates) as certified by the seller and purchaser in an affidavit satisfying the requirements of subsection (c).

(c) The department of state revenue shall prescribe the form of the affidavit required by subsection (b). In addition to the certification required by subsection (b), the affidavit must include the following:

(1) The name of the state or country in which the motor vehicle will be titled or registered.

(2) An affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.

(3) Any other information required by the department of state revenue for the purpose of verifying the information contained in the affidavit.

(d) The department may audit affidavits submitted under this section and make a proposed assessment of the amount of unpaid tax due with respect to any incorrect information submitted in an affidavit required by this section.".

Page 39, delete line 42.

Page 40, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 29. IC 6-2.5-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. For purposes of this chapter:

(a) "Use" means the exercise of any right or power of ownership over tangible personal property.

(b) "Storage" means the keeping or retention of tangible personal property in Indiana for any purpose except the subsequent use of that property solely outside Indiana.

(c) "A retail merchant engaged in business in Indiana" includes any retail merchant who makes retail transactions in which a person acquires personal property or services for use, storage, or consumption in Indiana and who:

(1) maintains an office, place of distribution, sales location, sample location, warehouse, storage place, or other place of business which is located in Indiana and which the retail merchant maintains, occupies, or uses, either permanently or temporarily, either directly or indirectly, and either by the retail merchant or through a representative, agent, ~~or~~ subsidiary, **or affiliate;**

(2) maintains a representative, agent, salesman, canvasser, or solicitor who, while operating in Indiana under the authority of and on behalf of the retail merchant or a subsidiary **or an affiliate** of the retail merchant, sells,

delivers, installs, repairs, assembles, sets up, accepts returns of, bills, invoices, or takes orders for sales of tangible personal property or services to be used, stored, or consumed in Indiana;

(3) enters into an arrangement with any person, other than a common carrier, to facilitate the retail merchant's delivery of property to customers in Indiana by allowing the retail merchant's customers to pick up property sold by the retail merchant at an office, distribution facility, warehouse, storage place, or similar place of business maintained by the person in Indiana;

~~(3)~~ **(4)** is otherwise required to register as a retail merchant under IC 6-2.5-8-1; or

~~(4)~~ **(5)** may be required by the state to collect tax under this article to the extent allowed under the Constitution of the United States and federal law.

(d) Notwithstanding any other law, a person may be required to collect and remit gross retail tax or use tax as a retail merchant engaged in business in Indiana under subsection (c) if the activities conducted by the person in Indiana on behalf of a retail merchant are significantly associated with the retail merchant's ability to establish and maintain a market in Indiana.

~~(d)~~ **(e)** Notwithstanding any other provision of this section, tangible or intangible property that is:

(1) owned or leased by a person that has contracted with a commercial printer for printing; and

(2) located at the premises of the commercial printer;

shall not be considered to be, or to create, an office, a place of distribution, a sales location, a sample location, a warehouse, a storage place, or other place of business maintained, occupied, or used in any way by the person. A commercial printer with which a person has contracted for printing shall not be considered to be in any way a representative, an agent, a salesman, a canvasser, or a solicitor for the person.

(f) A retail merchant is presumed to be engaged in business in Indiana if an affiliate of the retail merchant has substantial nexus in Indiana, and:

(1) the retail merchant sells a line of products similar to a line of products sold by the affiliate, and the retail merchant does so under a business name that is the same as or is similar to the affiliate's business name;

(2) the affiliate uses its Indiana employees or its Indiana facilities to advertise, promote, or facilitate sales by the retail merchant to customers; or

(3) the affiliate uses trademarks, service marks, or trade names in Indiana that are the same as or substantially similar to those used by the retail merchant.

(g) The presumption under subsection (f) may be rebutted by demonstrating that the affiliate's activities in Indiana are not significantly associated with the retail merchant's ability to establish or maintain a market in Indiana for the retail merchant's sales.

(h) A retail merchant is presumed to be engaged in business in Indiana if the retail merchant enters into an agreement with one (1) or more residents of Indiana under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link on an Internet web site, an in person oral presentation, or otherwise, to the retail merchant, if the cumulative gross receipts from the sales by the retail merchant to customers in Indiana who are referred to the retail merchant by all residents with this type of an agreement with the retail merchant are greater than ten thousand dollars ($10,000) during the preceding twelve (12) months.

(i) The presumption under subsection (h) may be rebutted by submitting proof that the residents of Indiana with whom the retail merchant has an agreement did not engage in any activity within Indiana that was significantly associated with the retail merchant's ability to establish or maintain the retail merchant's market in Indiana during the preceding twelve (12) months. This proof may consist of sworn written statements that:

(1) are from all the Indiana residents with whom the retail merchant has an agreement described in subsection (h);

(2) are provided and obtained in good faith; and

(3) state that the Indiana residents did not engage in any solicitation in Indiana on behalf of the retail merchant during the preceding twelve (12) months.

(j) For purposes of this section, "affiliate" means any:

(1) person that is a member of the same controlled group of corporations (as defined in 26 U.S.C. 1563(a)) as the retail merchant; or

(2) other entity that, notwithstanding its form of organization, bears the same ownership relationship to the retail merchant as a corporation that is a member of the same controlled group of corporations (as defined in 26 U.S.C. 1563(a)).".

Page 40, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 30. IC 6-3-1-3.5, AS AMENDED BY P.L.205-2013, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars ($1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars ($1,000).

(4) Subtract one thousand dollars ($1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) one thousand five hundred dollars ($1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) five hundred dollars ($500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars ($40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and

that is imposed on or measured by income; or
(B) two thousand dollars ($2,000).
(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).
(10) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.
(11) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.
(12) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.
(13) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.
(14) Subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.
(15) Subtract an amount equal to the lesser of:
(A) two thousand five hundred dollars ($2,500); or
(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.
(16) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.
(17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
(18) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).
(20) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
(21) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.
(22) Subtract income that is:
(A) exempt from taxation under IC 6-3-2-21.7; and
(B) included in the individual's federal adjusted gross income under the Internal Revenue Code.
(23) Subtract any amount of a credit (including an advance refund of the credit) that is provided to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the individual's federal adjusted gross income.
(24) Add any amount of unemployment compensation excluded from federal gross income, as defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal Revenue Code.
(25) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.
(26) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract the amount necessary from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.
(27) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.
(28) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.
(29) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.
(30) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:
(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(31) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(32) This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

(33) For a taxable year beginning after December 31, 2013, subtract the amount of Indiana investment interest payments that a taxpayer claimed as a deduction for the taxable year under Section 163 of the Internal Revenue Code in determining the taxpayer's taxable income under Section 63 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).

(11) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the corporation's taxable income under the Internal Revenue Code.

(12) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(17) This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

(18) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(15) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(16) This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

(17) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section

832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the insurance company's taxable income under the Internal Revenue Code.

(10) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(15) Add an amount equal to any exempt insurance income under Section 953(e) of the Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter 1, Subchapter N of the Internal Revenue Code.

(16) This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

(17) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the

adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars ($25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(7) Subtract income that is:

(A) exempt from taxation under IC 6-3-2-21.7; and

(B) included in the taxpayer's taxable income under the Internal Revenue Code.

(8) Add an amount equal to any income not included in gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract from the adjusted gross income of any taxpayer that added an amount to adjusted gross income in a previous year the amount necessary to offset the amount included in federal gross income as a result of the deferral of income arising from business indebtedness discharged in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

(9) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that claimed the special allowance for qualified disaster assistance property under Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would have been computed had the special allowance not been claimed for the property.

(10) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 179C of the Internal Revenue Code to expense costs for qualified refinery property equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that made an election under Section 181 of the Internal Revenue Code to expense costs for a qualified film or television production equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year.

(12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that treated a loss from the sale or exchange of preferred stock in:

(A) the Federal National Mortgage Association, established under the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

(B) the Federal Home Loan Mortgage Corporation, established under the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.);

as an ordinary loss under Section 301 of the Emergency Economic Stabilization Act of 2008 in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had the loss not been treated as an ordinary loss.

(13) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal Revenue Code for the discharge of debt on a qualified principal residence.

(14) This subdivision does not apply to payments made for services provided to a business that was enrolled and participated in the E-Verify program (as defined in IC 22-5-1.7-3) during the time the taxpayer conducted business in Indiana in the taxable year. For a taxable year beginning after June 30, 2011, add the amount of any trade or business deduction allowed under the Internal Revenue Code for wages, reimbursements, or other payments made for services provided in Indiana by an individual for services as an employee, if the individual was, during the period of service, prohibited from being hired as an employee under 8 U.S.C. 1324a.

(15) Add the amount excluded from federal gross income under Section 103 of the Internal Revenue Code for interest received on an obligation of a state other than Indiana, or a political subdivision of such a state, that is acquired by the taxpayer after December 31, 2011.

SECTION 31. IC 6-3-1-36 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 36. "Indiana investment interest payment" means a payment of investment interest (as defined in Section 163(d) of the Internal Revenue Code) made with respect to tangible property held for investment in Indiana.**".

Delete pages 41 through 54.

Page 55, delete lines 1 through 35.

Page 56, delete lines 9 through 19.

Page 58, delete lines 26 through 42.

Page 59, delete lines 1 through 4.

Page 59, delete lines 18 through 42.

Page 60, delete lines 1 through 27.

Page 61, delete lines 15 through 18.

Page 62, line 38, after "fund." insert "**Any amount paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass transportation systems in Lake County.**".

Page 62, delete lines 39 through 42.

Page 63, delete lines 1 through 7.

Page 65, delete lines 11 through 31.

Page 66, delete lines 3 through 42.

Page 67, delete lines 1 through 27, begin a new paragraph and insert:

"SECTION 76. IC 6-3.5-7-13.1, AS AMENDED BY P.L.137-2012, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 26, 27, 27.5, and 27.6 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) As used in this subsection, "homestead" means a homestead that is eligible for a standard deduction under IC 6-1.1-12-37. Except as provided in sections 15, 23, 26, 27, 27.5, and 27.6 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was

entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

(4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in Porter County, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county or by eligible municipalities (as defined in IC 36-7.5-1-11.3) in the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. If Porter County ceases to be a member of the northwest Indiana regional development authority under IC 36-7.5 but two (2) or more municipalities in the county have become members of the northwest Indiana regional development authority as authorized by IC 36-7.5-2-3(i), the county treasurer shall continue to transfer the three million five hundred thousand dollars ($3,500,000) to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county. In Porter County, all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (5).

(5) This subdivision applies only in Porter County. All of the tax revenue that results each year from a tax rate increase described in subdivision (4) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(6) This subdivision applies only in Lake County. The county or a city or town in the county may use county economic development income tax revenue to provide homestead credits in the county, city, or town. The following apply to homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the homestead credits. The ordinance must specify the amount of county economic development income tax revenue that will be used to provide homestead credits in the following year.

(B) The county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 (repealed) for homesteads in the county, city, or town (for property taxes first due and payable before January 1, 2009) or to provide a homestead credit for homesteads in the county, city, or town (for property taxes first due and payable after December 31, 2008).

(D) The homestead credits shall be treated for all purposes as property tax levies.

(E) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(8) This subdivision applies only to LaPorte County, if:

(A) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred

thousand dollars ($3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under subdivision (9).

(9) This subdivision applies only to LaPorte County. All of the tax revenue that results each year from a tax rate increase described in subdivision (8) that is in excess of the first three million five hundred thousand dollars ($3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for homestead credits under this subdivision. The following apply to homestead credits provided under this subdivision:

(A) The homestead credits must be applied uniformly to provide a homestead credit for homesteads in the county, city, or town.

(B) The homestead credits shall be treated for all purposes as property tax levies.

(C) The homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide homestead credits in that year.

(10) By a county as matching funds for a grant received under IC 4-4-39.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, the county or a city or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 77. IC 6-6-2.5-1, AS AMENDED BY P.L.277-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas, ~~liquid or compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product,~~ not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane **or** propane. ~~or liquid or compressed natural gas.~~

SECTION 78. IC 6-6-2.5-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: **Sec. 16.5. As used in this chapter, "natural gas product" means:**

(1) a liquid or compressed natural gas product; or

(2) a combination of liquefied petroleum gas and a compressed natural gas product;

used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance.

SECTION 79. IC 6-6-2.5-22, AS AMENDED BY P.L.277-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 22. As used in this chapter, "special fuel" means all combustible gases and liquids that are:

(1) suitable for the generation of power in an internal combustion engine or motor; or

(2) used exclusively for heating, industrial, or farm purposes other than for the operation of a motor vehicle.

Special fuel includes biodiesel and blended biodiesel (as defined in IC 6-6-2.5-1.5) and ~~alternative fuels.~~ **natural gas products.** However, the term does not include **an alternative fuel,** gasoline (as defined in IC 6-6-1.1-103), ethanol produced, stored, or sold for the manufacture of or compounding or blending with gasoline, kerosene, and jet fuel (if the purchaser of the jet fuel has provided to the seller proof of the purchaser's federal jet fuel registration at or before the time of sale).

SECTION 80. IC 6-6-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]:

Chapter 14. Alternative Fuel Decals

Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane or propane.

Sec. 2. As used in this chapter, "department" means the department of state revenue.

Sec. 3. As used in this chapter, "special fuel" has the meaning set forth in IC 6-6-2.5-22.

Sec. 4. (a) The owner of one (1) of the following motor vehicles that is registered in Indiana and that is propelled by alternative fuel shall obtain an alternative fuel decal for the motor vehicle and pay an annual fee in accordance with the following schedule:

SCHEDULE

Motor Vehicle	**Annual Fee**
A passenger motor vehicle, truck, or bus, the declared gross weight of which is	

equal to or less than 9,000 pounds.	$100
A recreational vehicle.	$100
A truck or bus, the declared gross weight of which is greater than 9,000 pounds but equal to or less than 11,000 pounds.	$175
An alternative fuel delivery truck powered by alternative fuel that is a truck the declared gross weight of which is greater than 11,000 pounds.	$250
A truck or bus, the declared gross weight of which is greater than 11,000 pounds, except an alternative fuel delivery truck.	$300
A tractor designed to be used with a semitrailer.	$500

Only one (1) fee is required to be paid per motor vehicle per year.

(b) The annual fee may be prorated on a quarterly basis if:

(1) application is made after June 30 of a year; and

(2) the motor vehicle is newly:

(A) converted to alternative fuel;

(B) purchased; or

(C) registered in Indiana.

(c) The fees imposed under this section are subject to an annual adjustment under section 5 of this chapter.

Sec. 5. (a) As used in this section, "consumer price index" refers to the consumer price index for all urban users not seasonally adjusted as published by the Bureau of Labor Statistics, United States Department of Labor, or its successor agency.

(b) Subject to subsection (c), the department shall before February 1 of each year adjust each fee imposed under section 4 of this chapter as follows:

STEP ONE: Determine the quotient of:

(A) the consumer price index for December of the immediately preceding calendar year; divided by

(B) the consumer price index for December of the calendar year immediately preceding the calendar year described in clause (A).

STEP TWO: Determine the product of:

(A) the amount of the fee imposed under section 4 of this chapter in the immediately preceding calendar year; multiplied by

(B) the STEP ONE result.

STEP THREE: Round the STEP TWO result to the nearest ten dollar ($10) increment.

(c) A fee imposed under section 4 of this chapter may not be increased under this section if the adjustment required by this section results in a fee increase of less than five dollars ($5). However, in the following calendar year the amount of the disregarded adjustment must be treated as if it had been added to the fee imposed under section 4 of this chapter for purposes of making the determination under subsection (b) STEP TWO.

Sec. 6. (a) The owner of a motor vehicle that is propelled by alternative fuel and is:

(1) registered outside Indiana; and

(2) operated on a public highway in Indiana;

shall obtain a temporary trip permit. An alternative fuel temporary trip permit may be purchased from a licensed propane dealer who sells alternative fuels.

(b) A temporary trip permit is valid for seventy-two (72) hours from the time of purchase. The fee for each permit is five dollars and fifty cents ($5.50). The fee for an alternative temporary trip permit must be collected from the purchaser by the licensed propane dealer and paid monthly to the administrator on forms prescribed by the department.

Sec. 7. (a) Before dispensing alternative fuel into a motor vehicle, a person desiring to make alternative fuel sales in Indiana must be licensed by the department as a propane dealer. A person may apply for a propane dealer license on a form prescribed by the department. The department may make any reasonable investigation of an applicant before issuing a license to the applicant. The fee for a propane dealer license is fifty dollars ($50).

(b) The department shall issue a license card to each applicant approved for a propane dealer license. A licensed propane dealer shall display the license card in a conspicuous place at each location operated by the licensed propane dealer where alternative fuel is dispensed into motor vehicles in Indiana.

(c) The department may rescind a propane dealer license if the propane dealer fails to comply with any requirement of this chapter.

(d) Fees collected under this section must be deposited, allocated, and distributed in the same manner that special fuel taxes are deposited, allocated, and distributed under IC 6-6-2.5-67.

Sec. 8. (a) The administrator shall issue an alternative fuel decal to an owner of a motor vehicle propelled by alternative fuel who applies for a decal, pays to the administrator the fee, and provides the information that is required by the administrator.

(b) An alternative fuel decal is effective from April 1 of each year through March 31 of the next year. The administrator may extend the expiration date for not more than thirty (30) days. During the month of March, the owner shall display the valid decal through March 31 or the decal issued to the owner for the next twelve (12) months. If the administrator grants an extension of the expiration date, the owner shall continue to display the decal for which the extension was granted.

Sec. 9. (a) The owner of a motor vehicle propelled by alternative fuel shall affix the alternative fuel decal to the lower left side of the front windshield of the motor vehicle for which it was issued. The decal may be displayed only on the motor vehicle for which the decal was issued.

(b) Upon application of the owner and surrender of a decal, the administrator may issue a new decal or give credit toward the fee for a decal for another vehicle or for a subsequent twelve (12) months. Upon receipt of the new decal or a credit statement, the owner shall return to the administrator:

(1) the old decal; or

(2) a sworn statement indicating that the old decal has been destroyed.

(c) A credit under this section shall be computed by multiplying the fee paid for the old decal by a fraction. The denominator of the fraction is the number of whole and partial quarters for which the old decal was issued. The numerator of the fraction is the number of remaining whole quarters that the old decal would have been valid.

(d) A credit under this section may not be given during the last three (3) months before the decal expires.

(e) No refunds may be allowed under this section.

Sec. 10. A person may place or cause to be placed alternative fuel into the fuel supply tank of a motor vehicle only under one (1) of the following conditions:

(1) The motor vehicle has a valid alternative fuel decal affixed to the front windshield.

(2) The operator has a copy of a completed application for a decal for the motor vehicle, which application was filed with the department not more than thirty (30) days before the sale of the fuel.".

Page 67, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 76. IC 6-7-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. As used in this chapter, "delivery sale" means a sale of any tobacco product by a seller, whether located within or outside Indiana, to a purchaser located in Indiana when:**

(1) the purchaser submits the order for the sale for delivery in Indiana by any means, including by telephone communication, mail service, or the Internet; or

(2) the tobacco product is delivered in Indiana by any means, including delivery through the mail or any other delivery service.

The term does not include a sale to a distributor or retail dealer.

SECTION 77. IC 6-7-2-7, AS AMENDED BY P.L.205-2013, SECTION 129, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A tax is imposed on the distribution of tobacco products in Indiana at the rate of:

(1) twenty-four percent (24%) of the wholesale price of tobacco products other than moist snuff; or

(2) for moist snuff, forty cents ($0.40) per ounce, and a proportionate tax at the same rate on all fractional parts of an ounce. If the tax calculated for a fractional part of an ounce carried to the third decimal place results in the numeral in the third decimal place being greater than four (4), the amount of the tax shall be rounded to the next additional cent.

(b) The distributor of the tobacco products, including a person that sells tobacco products through an Internet web site, is liable for the tax imposed under subsection (a). The tax is imposed at the time the distributor:

(1) brings or causes tobacco products to be brought into Indiana for distribution;

(2) manufactures tobacco products in Indiana for distribution; ~~or~~

(3) transports tobacco products to retail dealers in Indiana for resale by those retail dealers; **or**

(4) accepts a purchase order for a delivery sale, including a delivery sale of cigars, pipe tobacco, or any other form of tobacco products. This subdivision does not apply to the extent the distributor has obtained proof (in the form of the presence of applicable tax stamps or otherwise) that the tax imposed under subsection (a) already has been paid in Indiana.

(c) A person who:

(1) possesses a tobacco product in Indiana upon which a distributor or any other person has not paid the tax imposed under subsection (a) to the department; and

(2) purchased the tobacco product for any purpose other than transportation of the product in interstate commerce or for temporary storage before distribution or retail sale,

is liable for remitting the tax imposed under subsection (a) to the department.

~~(c)~~ **(d)** The Indiana general assembly finds that the tax rate on smokeless tobacco should reflect the relative risk between such products and cigarettes.".

Page 68, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 77. IC 6-9-2.5-7.5, AS AMENDED BY P.L.176-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.5. (a) The county treasurer shall establish a tourism capital improvement fund.

(b) The county treasurer shall deposit money in the tourism capital improvement fund as follows:

(1) Before January 1, ~~2015,~~ **2020,** the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a three and one-half percent (3.5%) rate.

(2) After December 31, ~~2014,~~ **2019,** the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a four and one-half percent (4.5%) rate.

(c) The commission may transfer money in the tourism capital improvement fund to:

(1) the county government, a city government, or a separate body corporate and politic in a county described in section 1 of this chapter; or

(2) any Indiana nonprofit corporation;

for the purpose of making capital improvements in the county that promote conventions, tourism, or recreation. The commission may transfer money under this section only after approving the transfer. Transfers shall be made quarterly or less frequently under this section.

SECTION 78. IC 6-9-2.5-7.7, AS AMENDED BY P.L.176-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.7. (a) The county treasurer shall establish a convention center operating fund.

(b) Before January 1, ~~2015,~~ **2020,** the county treasurer shall deposit in the convention center operating fund the amount of money received under section 6 of this chapter that is generated by a two percent (2%) rate. Money in the fund must be expended for the operating expenses of a convention center.

(c) After December 31, ~~2014,~~ **2019,** the county treasurer shall deposit in the convention center operating fund the amount of money received under section 6 of this chapter that is generated by a one percent (1%) rate. Money in the fund must be expended for the operating expenses of a convention center with the unused balance transferred on January 1 of each year to the tourism capital improvement fund.".

Page 68, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 80. IC 8-22-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) "Aviation related property or facilities" means those properties or facilities that are utilized by a lessee, or a lessee's assigns, who provides services or accommodations:

(1) for scheduled or unscheduled air carriers and air taxis, and their passengers, air cargo operations, and related ground transportation facilities;

(2) for fixed based operations;

(3) for general aviation or military users; and

(4) as aviation **manufacturing, assembly, research and development, or** maintenance and repair facilities.

(b) The term includes any property leased to the United States, or its agencies or instrumentalities, and any leased property identified as clear zones, ~~avigation~~ **aviation** easements, safety and transition areas, as defined by the Federal Aviation Administration.".

Page 77, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 81. IC 22-9-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. **(a) Except as provided in subsection (b),** every contract to which the state or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and ~~his~~ **any** subcontractors **of the contractor** not to discriminate against any employee or applicant for employment to be employed in the performance of ~~such~~ **the** contract, with respect to ~~his~~ **the individual's** hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of ~~his~~ **the individual's** race, religion, color, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of the contract.

(b) A contract between the state or a political or civil subdivision of the state and an institution described in section 3(h)(2) of this chapter is not required to contain a covenant not to discriminate against an employee or applicant for employment to be employed in the

performance of the contract, with respect to the individual's hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of the individual's religion.".

Page 77, delete lines 36 through 42.

Delete page 78.

Page 79, delete lines 1 through 26.

Page 80, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 86. IC 36-6-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) When the executive prepares the annual report required by section 12 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

(1) showing the sum of money in each fund of the township at the beginning of the year;

(2) showing the sum of money received in each fund of the township during the year;

(3) showing the sum of money paid from each fund of the township during the year;

(4) showing the sum of money remaining in each fund of the township at the end of the year;

(5) containing a statement of receipts, showing their source; and

(6) containing a statement of expenditures, showing the combined gross payment, according to classification of expense, to each person.

(b) Within four (4) weeks after the third Tuesday following the first Monday in ~~January,~~ **February,** the executive shall publish the abstract prescribed by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor, and that the chairman of the township legislative body has a copy of the report that is available for inspection by any taxpayer of the township.

(c) An executive who fails to comply with this section commits a Class C infraction.

SECTION 87. IC 36-8-16.7-32.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 32.5. (a) This section applies only to Hendricks County for the period:**

(1) beginning January 1, 2015; and

(2) ending December 31, 2017.

(b) The legislative body may impose an emergency communications fee to fund a part of the county's emergency communications services system within the geographic boundaries of the county. To impose the fee, the legislative body must adopt an ordinance that meets the following requirements:

(1) The ordinance is adopted after the legislative body holds a public hearing to receive public comment on the proposed ordinance. The legislative body must give notice of the hearing under IC 5-3-1 that includes the following:

(A) A list of all PSAPs in the proposed district.

(B) The date, time, and location of the hearing.

(C) The location where the public can inspect the proposed ordinance.

(D) The name and contact information of a representative of each PSAP who may be contacted for further information.

(2) The ordinance must:

(A) take effect January 1, 2015; and

(B) expire December 31, 2017.

(c) The ordinance adopted under subsection (b) must include the following:

(1) The identity of all PSAPs within the county.

(2) A description of a proposed tiered fee schedule based on:

(A) a flat fee applicable to all parcels;

(B) a variable fee based on zoning classifications, the size of a parcel, and the number or type of improvements on a parcel.

(3) The effective date and expiration date of the ordinance.

(d) Upon the adoption of an ordinance under this section, the legislative body shall establish an emergency communications services fund. The fund consists of the following:

(1) Fees deposited under this section.

(2) Grants and gifts intended for deposit in the fund.

(3) Interest, premiums, gains, or other earnings on the fund.

(4) Money from any other source that is deposited in or transferred to the fund.

(e) Money in the fund may be used by the county for the purposes set forth in this chapter and other costs incurred in administering this section. The county treasurer shall administer the fund. The funds that remain in a fund or account established for the deposit of distributions received under section 37 of this chapter shall be transferred to the fund. Any funds transferred under this subsection shall be used as follows:

(1) To pay any obligations owed to any bondholders, third parties, or creditors under IC 36-8-16 (before its repeal) or IC 36-8-16.7 before July 1, 2014.

(2) To the extent any funds remain after meeting the obligations described in subdivision (1), for the purposes set forth in this section.

(f) The legislative body shall:

(1) determine an annual budget in the amount necessary to meet the expenses of operating and maintaining the emergency communications services system within the county, minus the statewide 911 fees otherwise received by the county under this chapter; and

(2) not later than September 1, submit the budget to the fiscal body for review and approval.

The legislative body shall base its initial budget on the expenses actually incurred by all PSAPs in the county in implementing IC 36-8-16.7 during the calendar year ending December 31, 2013.

(g) Based on a budget approved under subsection (f), the legislative body shall recommend to the fiscal body a schedule of fees to be imposed on parcels located within the geographic boundaries of the county. The fees:

(1) must comply with the authority granted under subsection (c); and

(2) must be adequate, when considering the statewide 911 fees, to provide for proper development, operation, and maintenance of the county's emergency communications services system.

(h) The fiscal body shall:

(1) review a schedule of recommended fees submitted under subsection (g);

(2) determine the fees imposed under this chapter in accordance with the authority granted under subsection (c);

(3) adopt an ordinance to impose the fees determined under subdivision (2); and

(4) certify the fees to the county auditor as a special assessment on each parcel of real property located within the county.

(i) The county auditor shall:

(1) place the total amount certified under subsection (b) on the tax duplicate for each affected property as a special assessment; and

(2) deposit money received as payment of a special assessment in the emergency communications services

fund.

(j) Except as provided in IC 36-8-16.6 and this chapter, an additional fee relating to the provision of 911 service may not be levied upon CMRS, voice communications services, or interconnected VOIP services provided to a customer in Hendricks County by a state agency or local unit of government.

(k) The legislative body shall, after June 30 and before October 1 of 2015 and 2016, report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the ability of the county to independently fund and operate an emergency communications service system. The regulatory flexibility committee shall consider:

(1) whether a pilot program established under this chapter should be extended for additional years in Hendricks County; and

(2) whether a pilot program established under this chapter should be extended to additional counties.

The regulatory flexibility committee shall submit any findings and recommendations made under this section to the legislative council in an electronic format under IC 5-14-6 before November 1, 2016.

(l) This section expires January 1, 2018.".

Page 80, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 90. [EFFECTIVE JULY 1, 2014] **(a) IC 6-2.5-3-1, as amended by this act, applies only to the collection of use tax on remote sales occurring after June 30, 2014. A remote sale is considered as having occurred after June 30, 2014, to the extent that:**

(1) the agreement of the parties to the transaction was entered into after June 30, 2014;

(2) payment for the property furnished in the transaction is made after June 30, 2014; or

(3) delivery to the purchaser of the property furnished in the transaction occurs after June 30, 2014.

However, a transaction is considered as having occurred before July 1, 2014, to the extent that the agreement of the parties to the transaction was entered into before July 1, 2014, and payment for the property furnished in the transaction is made before July 1, 2014, notwithstanding the delivery of the property after June 30, 2014.

(b) This SECTION expires January 1, 2016.".

Page 80, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 89. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "office of the secretary" refers to the office of the secretary of family and social services established by IC 12-8-1.5-1.**

(b) As used in this SECTION, "government assistance income" means the sum of the value of all:

(1) cash;

(2) free services; or

(3) savings from reduced fees;

received by an Indiana resident whose income does not exceed two hundred percent (200%) of the federal income poverty level.

(c) Before November 1, 2014, the office of the secretary shall study the following:

(1) The tax relief available for Indiana residents whose incomes do not exceed two hundred percent (200%) of the federal income poverty level.

(2) The availability of programs that provide financial or medical assistance to Indiana residents whose incomes do not exceed two hundred percent (200%) of the federal income poverty level, including:

(A) Medicaid;

(B) Temporary Assistance for Needy Families;

(C) supplemental nutrition assistance; or

(D) any other federal, state, or local financial or medical assistance available to Indiana residents whose incomes do not exceed two hundred percent (200%) of the federal income poverty level.

(3) The maximum government assistance income an individual could receive by pursuing and obtaining the benefits described in subdivisions (1) and (2).

(d) The office of the secretary shall submit a report of its findings not later than November 1, 2014, to the governor and the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6. The report must include a detailed explanation of the calculation assumptions and methodology.

(e) This SECTION expires January 1, 2015.

SECTION 90. [EFFECTIVE UPON PASSAGE] **(a) The legislative council is urged to assign to an appropriate interim study committee the task of studying all income tax credits using a schedule that provides for each income tax credit to be studied every four (4) years.**

(b) An interim study committee assigned the study described in subsection (a) shall:

(1) develop a method for evaluating the performance of each income tax credit; and

(2) annually submit a report to the legislative council in an electronic format under IC 5-14-6 before November 1 of each year.

(c) This SECTION expires January 1, 2018.

SECTION 91. [EFFECTIVE JULY 1, 2014] **(a) As used in this SECTION, "office" refers to the office of management and budget established by IC 4-3-22-3.**

(b) The office shall prepare a land use study that must include the following:

(1) A study of the feasibility of constructing a facility on land north of the state house to house the judiciary, provide additional legislative office space, and provide parking for employees and visitors to the facility, including controlled access parking.

(2) A study of ways to enhance public access to the activities of the legislative and judicial branches of state government, including providing additional space for legislative hearings.

(3) A study of ways to enhance security while enhancing public access.

(c) The office may review and use an architectural study prepared for the budget agency under P.L.273-1999, SECTION 31 or any other study that the office considers relevant to the study required by subsection (b).

(d) The office shall submit the study required by subsection (b) to the legislative council in an electronic format under IC 5-14-6 before December 1, 2015.

(e) This SECTION expires January 1, 2016.".

Renumber all SECTIONS consecutively.

(Reference is to SB 367 as reprinted February 4, 2014.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 7.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker Your Committee on Judiciary, to which was referred Senate Joint Resolution 9, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to SJR 9 as printed January 29, 2014.)

Committee Vote: Yeas 8, Nays 0.

STEUERWALD, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:15 p.m. with the Speaker in the Chair.

Upon request of Representative VanDenburgh, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 257: 71 present. The Speaker declared a quorum present.

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

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 27

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

HOUSE MOTION
(Amendment 27–1)

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

Page 2, delete lines 39 through 42.

Delete pages 3 through 4.

Page 5, delete line 1.

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

"SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to an appropriate study committee the task of studying whether a father who has abandoned a birth mother during pregnancy should be required to consent to the adoption of the child.**

(b) If the appropriate committee is assigned the topic described in subsection (a), the commission or committee shall issue to the legislative council a final report containing the commission's or committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2014.

(c) This SECTION expires December 31, 2014.

SECTION 5. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 18, 2014.)

RICHARDSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 106

Representative Negele called down Engrossed Senate Bill 106 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 106–1)

Mr. Speaker: I move that Engrossed Senate Bill 106 be amended to read as follows:

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

"SECTION 1. IC 4-9.1-1-7, AS AMENDED BY P.L.205-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board may transfer money between state funds, and the board may transfer money between appropriations for any board, department, commission, office, or benevolent or penal institution of the state. After the transfer is made, the money of the fund or appropriation transferred is not available to the fund or the board, department, commission, office, or benevolent or penal institution from which it was transferred.

(b) In addition to a transfer under subsection (a), the board may transfer money from an appropriation for any board, department, commission, office, or benevolent or penal institution of the state to the Indiana economic development corporation.

(c) An order by the board to make a transfer under this section is sufficient authority for the making of appropriate entries showing the transfer on the books of the auditor of state and treasurer of state.

(d) The authority given the board under this section to make transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

(e) Whenever the board takes action to transfer money out of a dedicated fund that is attributable to fees credited to the fund, the budget agency shall notify the budget committee within thirty (30) days and state the reason for the transfer.

(f) Within thirty (30) days after approving a transfer, the board shall post on the Indiana transparency Internet web site:

(1) a narrative description of each approved transfer under this section; and

(2) the reason for the transfer.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 106 as printed February 21, 2014.)

PORTER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 238

Representative Frye called down Engrossed Senate Bill 238 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 238–3)

Mr. Speaker: I move that Engrossed Senate Bill 238 be amended to read as follows:

Page 3, between lines 36 and 37, begin a new paragraph and insert:

"**Sec. 4. An inspection that complies with 49 CFR Part 396 satisfies the requirements of this chapter.**".

Page 3, line 37, delete "4." and insert "**5.**".

(Reference is to ESB 238 as printed February 21, 2014.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 238–1)

Mr. Speaker: I move that Engrossed Senate Bill 238 be amended to read as follows:

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

"SECTION 1. IC 9-13-2-112.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 112.5. "Nonpublic school" has the meaning set forth in IC 20-18-2-12.**

SECTION 2. IC 9-13-2-161, AS AMENDED BY P.L.146-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 161. (a) "School bus" means, except as provided in subsections (b), ~~and~~ (c), **and (d),** a:

(1) bus;

(2) hack;

(3) conveyance;

(4) commercial motor vehicle; or

(5) motor vehicle;

used to transport preschool, elementary, or secondary school children to and from school and to and from school athletic games or contests or other school functions. The term does not

include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.

(b) "School bus", for purposes of IC 9-21, means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, including project headstart, or privately owned and operated for compensation for the transportation of children to and from school, including project headstart.

(c) "School bus", for purposes of IC 9-19-11-1(1), means a motor vehicle:

(1) that meets the federal school bus safety requirements under 49 U.S.C. 30125; or

(2) that meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

(A) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and

(B) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108.

(d) "School bus", for purposes of IC 9-19, except as provided in subsection (c), means a:

(1) bus;

(2) hack;

(3) conveyance;

(4) commercial motor vehicle; or

(5) motor vehicle;

used to transport elementary school (as defined in IC 20-18-2-4) or high school (as defined in IC 20-18-2-7) students, or students in any combination of grades included in IC 20-18-2-4 and IC 20-18-2-7, to and from school and to and from school athletic games or contests or other school functions. The term does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.

SECTION 3. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 170.7. **(a)** "Special purpose bus" ~~has the meaning set forth in IC 20-27-2-10.~~ **means, except as provided in subsection (b), a motor vehicle:**

(1) that is designed and constructed for the accommodation of more than ten (10) passengers;

(2) that:

(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

(i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and

(ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;

(B) when owned by a school corporation and used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; or

(C) when owned by a school corporation and used to transport students, is a motor coach type bus with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and

(3) that is used by a school corporation for transportation purposes appropriate under IC 20-27-9-5.

(b) "Special purpose bus", for purposes of IC 9-19, means a motor vehicle:

(1) that is designed and constructed for the accommodation of more than ten (10) passengers;

(2) that:

(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

(i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and

(ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;

(B) when used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; or

(C) when used to transport students, is a motor coach type bus with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and

(3) that is used by a school corporation or a nonpublic school for transportation purposes.".

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 5. IC 9-19-10-1, AS AMENDED BY P.L.214-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to an occupant of a motor vehicle who meets any of the following conditions:

(1) For medical reasons should not wear safety belts, provided the occupant has written documentation of the medical reasons from a physician.

(2) Is a child required to be restrained by a child restraint system under IC 9-19-11 **or a 3-point lap and shoulder safety belt under IC 9-19-13.**

(3) Is traveling in a commercial or a United States Postal Service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(4) Is a rural carrier of the United States Postal Service and is operating a vehicle while serving a rural postal route.

(5) Is a newspaper motor route carrier or newspaper bundle hauler who stops to make deliveries from a vehicle.

(6) Is a driver examiner designated and appointed under IC 9-14-2-3 and is conducting an examination of an applicant for a permit or license under IC 9-24-10.

(7) Is an occupant of a farm truck being used on a farm in connection with agricultural pursuits that are usual and normal to the farming operation, as set forth in IC 9-29-5-13(b)(2).

(8) Is an occupant of a motor vehicle participating in a parade.

(9) Is an occupant of the living quarters area of a recreational vehicle.

(10) Is an occupant of the treatment area of an ambulance (as defined in IC 16-18-2-13).

(11) Is an occupant of the sleeping area of a tractor.

(12) Is an occupant other than the operator of a vehicle described in IC 9-20-11-1(1).

(13) Is an occupant other than the operator of a truck on a construction site.

(14) Is a passenger other than the operator in a cab of a Class A recovery vehicle or a Class B recovery vehicle who is being transported in the cab because the motor vehicle of the passenger is being towed by the recovery vehicle.

(15) Is an occupant other than the operator of a motor vehicle being used by a public utility in an emergency as set forth in IC 9-20-6-5.

SECTION 6. IC 9-19-11-1, AS AMENDED BY P.L.24-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to a person who operates any of the following vehicles:

(1) A school bus **or a special purpose bus.**

(2) A taxicab.
(3) An ambulance.
(4) A public passenger bus.
(5) A motor vehicle having a seating capacity greater than nine (9) individuals that is owned or leased and operated by a religious or not-for-profit youth organization.
(6) An antique motor vehicle.
(7) A motorcycle.
(8) A motor vehicle that is owned or leased by a governmental unit and is being used in the performance of official law enforcement duties.
(9) A motor vehicle that is being used in an emergency.
(10) A motor vehicle that is funeral equipment used in the operation of funeral services when used in:
(A) a funeral procession;
(B) the return trip to a funeral home (as defined in IC 25-15-2-15); or
(C) both the funeral procession and return trip.

SECTION 7. IC 9-19-13-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. (a) A school bus or special purpose bus that is purchased after December 31, 2015, for the use of transporting elementary school (as defined in IC 20-18-2-4) or high school (as defined in IC 20-18-2-7) students, or students in any combination of grades included in IC 20-18-2-4 and IC 20-18-2-7, must be equipped with a 3-point lap and shoulder safety belt at each seating location. The safety belt installation and safety belt and anchor must meet the specifications of the Society of Automotive Engineers.**

(b) A school corporation or a nonpublic school that allows the use of a school bus that was purchased after December 31, 2015, that is not equipped as set forth in subsection (a) for the transportation of students of the school corporation or the nonpublic school commits a Class C infraction.

SECTION 8. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) Each occupant of a school bus or special purpose bus that has a 3-point lap and shoulder safety belt installed at each seating location in accordance with section 3.5 of this chapter shall have the lap and shoulder safety belt properly fastened about the occupant's body at all times when the bus is in motion.**

(b) A school corporation, nonpublic school, or owner of a school bus or special purpose bus, including a school bus or special purpose bus operated under a fleet or transportation contract, that authorizes or permits a violation of subsection (a) commits a Class C infraction.".

Page 3, after line 38, begin a new paragraph and insert:

"SECTION 10. IC 20-27-3-4, AS AMENDED BY P.L.107-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:
(A) valid certificate of inspection decal; and
(B) temporary certificate of inspection decal described in IC 20-27-7-10.
(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special purpose buses necessary to be issued a:
(A) valid certificate of inspection decal; and
(B) temporary certificate of inspection decal described in IC 20-27-7-10.
(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.
(4) The committee may provide for the inspection of all school buses and special purpose buses, new or old, that are offered for sale, lease, or contract.
(5) The committee may provide for the annual inspection of all school buses and special purpose buses and the issuance of certificate of inspection decals.
(6) The committee may maintain an approved list of school buses and special purpose buses that have passed inspection tests under subdivision (4) or (5).
(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus driver contracts.
(8) The committee may hear appeals brought under IC 20-27-7-15.
(9) The committee shall adopt rules under IC 4-22-2 for the design, installation, and use of 3-point lap and shoulder safety belt systems that must be standard equipment in all school buses and special purpose buses in accordance with IC 9-19-13-3.5.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 11. IC 20-27-7-8, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The inspection of a special purpose bus shall consist of an inspection to determine the existence and condition of the vehicle's:

(1) brakes;
(2) lights (headlamps, tail lamps, brake lights, clearance lights, and turn signals);
(3) steering and suspension;
(4) exhaust systems;
(5) general body condition; ~~and~~
(6) tires; **and**
(7) 3-point lap and shoulder safety belt systems.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 238 as printed February 21, 2014.)

BARTLETT

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 238a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that Representative Bartlett's amendment 1 to Engrossed Senate Bill 238 is a bill pending before this House under House Rule 118.

PIERCE
BARTLETT

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 258: yeas 63, nays 31. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

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

Engrossed Senate Bill 255

Representative Clere called down Engrossed Senate Bill 255 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 255–2)

Mr. Speaker: I move that Engrossed Senate Bill 255 be amended to read as follows:

Page 4, line 4, delete "provider after the victim" and insert "**provider.**"

Page 4, delete line 5.

(Reference is to ESB 255 as printed February 21, 2014.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 255–1)

Mr. Speaker: I move that Engrossed Senate Bill 255 be amended to read as follows:

Page 6, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 20. IC 16-21-8-10, AS ADDED BY P.L.41-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Law enforcement shall:

(1) obtain the sample ~~within forty-eight (48) hours~~ **immediately** after receiving a provider's notification; and

(2) transport the sample to secured storage.

(b) Law enforcement shall keep the sample in secured storage until the earlier of the following:

(1) At least one (1) year after the date the sample is placed in secured storage.

(2) The victim reports the sex crime to law enforcement and the sample is transported to the crime lab for investigation and use as evidence.

(c) The division shall notify the victim, as described in subsection (d), that the victim's sample will be removed from secured storage and may be destroyed if the victim does not report the sex crime to law enforcement on or before the date described in subsection (b)(1).

(d) The notice the division is required to provide a victim under subsection (c) shall be sent:

(1) by first class mail to the individual's last known address;

(2) by electronic mail to the individual's last known electronic mail address; and

(3) six (6) months and thirty (30) days before the date described in subsection (b)(1).

(e) Each county shall develop and implement a plan for the secured storage of samples.

(f) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

(1) A date set by the director.

(2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.

If the director of the criminal justice institute delays implementation of this section, the director shall notify the prosecuting attorney of each county of the director's action and when funding becomes available to implement this section.

(g) The failure to comply with:

(1) this chapter;

(2) a plan adopted by a county; or

(3) a protocol adopted by a sexual assault response team; does not, standing alone, affect the admissibility of a sample as evidence in a criminal or civil proceeding.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 255 as printed February 21, 2014.)

BACON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 262

Representative Clere called down Engrossed Senate Bill 262 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 262–2)

Mr. Speaker: I move that Engrossed Senate Bill 262 be amended to read as follows:

Page 4, between lines 17 and 18, begin a new paragraph and insert:

"**(c) If the prescribing practitioner is not the patient's primary care physician, the prescribing practitioner shall notify the primary care physician, if known, of the substitution not later than ten (10) calendar days after receiving the notification of the substitution from the pharmacist or the pharmacist's agent under this section.**".

(Reference is to ESB 262 as printed February 21, 2014.)

AUSTIN

Motion withdrawn.

HOUSE MOTION
(Amendment 262–1)

Mr. Speaker: I move that Engrossed Senate Bill 262 be amended to read as follows:

Page 3, line 41, after "pharmacist" insert "**or the pharmacist's agent**".

(Reference is to ESB 262 as printed February 21, 2014.)

AUSTIN

Motion withdrawn. The bill was ordered engrossed.

Engrossed Senate Bill 334

Representative Burton called down Engrossed Senate Bill 334 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representatives McNamara and Saunders, who had been excused are now present. Representative Truitt was excused.

Engrossed Senate Bill 359

Representative Lehe called down Engrossed Senate Bill 359 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 359–2)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 6. IC 13-18-10.5-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3. (a) An applicant who applies for approval under section 1 of this chapter to construct or expand a satellite manure storage structure shall make a reasonable effort to provide notice not more than ten (10) working days after submitting an application for approval to:**

(1) the county executive of the county in which the satellite manure storage structure is to be constructed or expanded; and

(2) each owner and each occupant of land of which any part of the boundary is one-half (1/2) mile or less from any part of the proposed footprint of the satellite manure storage structure.

(b) The notice described in subsection (a) must:

(1) be in writing;

(2) be sent by mail; and

(3) include the following:

(A) The date the application was submitted to the department.

(B) A brief description of the subject of the application.

(c) An applicant shall pay the costs of complying with this section.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2014.)

LEHE

Motion prevailed.

HOUSE MOTION
(Amendment 359–1)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-74.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 74.8. "Expansion", for purposes of IC 13-18-10, refers to an expansion of a confined feeding operation or concentrated animal feeding operation that results in either of the following:**

(1) An increase in the confined animal capacity.

(2) An increase in the liquid manure storage capacity.

SECTION 2. IC 13-11-2-191, AS AMENDED BY P.L.127-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 191. (a)"Responsible party", for purposes of IC 13-18-10, means: ~~any of the following:~~

(1) an applicant **referred to in IC 13-18-10-1.5(a);**

(2) a person referred to in IC 13-18-10-1.5(b); or

~~(2)~~ **(3)** an officer, ~~a corporation director,~~ **member of the board of directors,** or ~~a~~ senior management official of: ~~any of the following that is an applicant:~~

(A) a corporation;

(B) a partnership;

(C) a limited liability company; **or**

(D) a business association;

that is an applicant referred to in IC 13-18-10-1.5(a) or a person referred to in IC 13-18-10-1.5(b).

(b) "Responsible party", for purposes of IC 13-19-4, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an applicant; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the applicant.

(c) "Responsible party", for purposes of IC 13-20-6, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an operator; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the operator.

(d) "Responsible party", for purposes of IC 13-24-2, has the meaning set forth in Section 1001 of the federal Oil Pollution Act of 1990 (33 U.S.C. 2701).

(e) "Responsible party", for purposes of IC 13-25-6, means a person:

(1) who:

(A) owns hazardous material that is involved in a hazardous materials emergency; or

(B) owns a container or owns or operates a vehicle that contains hazardous material that is involved in a hazardous materials emergency; and

(2) who:

(A) causes; or

(B) substantially contributes to the cause of;

the hazardous materials emergency.

SECTION 3. IC 13-11-2-221.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 221.3. "State recreational property", for purposes of IC 13-18-10-1.1, has the meaning set forth in IC 13-18-10-1.1(a).**

SECTION 4. IC 13-18-10-1, AS AMENDED BY P.L.1-2010, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** A person may not start:

(1) construction of:

(A) a confined feeding operation; or

(B) a CAFO; or

(2) expansion of:

(A) a confined feeding operation; **or**

(B) a CAFO;

that increases animal capacity or manure containment capacity, or both;

without obtaining the prior approval of the department **and any approval required by a county, city, or town in which the confined feeding operation or CAFO is located or would be constructed or operated.**

(b) Subject to section 1.5 of this chapter, in the case of the construction or expansion of a CAFO, obtaining an NPDES permit for the CAFO satisfies the requirement of subsection (a) as to obtaining the prior approval of the department.

SECTION 5. IC 13-18-10-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. (a) As used in this section, "state recreational property" means either of the following:**

(1) A state park:

(A) that is owned by the state; and

(B) as to which the department of natural resources is responsible for one (1) or more of the following:

(i) Operation.

(ii) Maintenance.

(iii) Management.

(2) A reservoir:

(A) that is owned or leased by the state or the United States Army Corps of Engineers; and

(B) as to which the department of natural resources is responsible for one (1) or more of the following:

(i) Operation.

(ii) Maintenance.

(iii) Management.

(b) Subject to subsection (c), after June 30, 2014, a person may not start construction of a confined feeding operation if any part of:

(1) the confined feeding operation; or

(2) a manure treatment facility that would be a part of the confined feeding operation;

would be located within two (2) miles of a state recreational property.

(c) Subsection (b) does not apply to the following:

(1) The expansion of a confined feeding operation.

(2) The expansion of an agricultural operation that will become a confined feeding operation as a result of the expansion.

(d) Except for a postsecondary educational institution:

(1) that:

(A) provides an organized two (2) year or longer program of collegiate grade directly creditable

toward a baccalaureate degree;

(B) is either operated by the state or on a nonprofit basis; and

(C) is accredited by a recognized regional accrediting agency or by the commission on proprietary education; and

(2) that is conducting agricultural research;

after June 30, 2014, a person may not enter into an agreement for manure application if any part of the manure application area is located within two (2) miles of a state recreational property.

SECTION 6. IC 13-18-10-1.4 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 1.4. (a) Subject to subsection (b), an application for approval under section 1 of this chapter must include for each responsible party the disclosure statement referred to in subsection (c) if either or both of the following apply:~~

~~(1) State or federal officials at any time alleged that the responsible party committed acts or omissions that constituted a material violation of state or federal environmental law.~~

~~(2) Foreign officials at any time alleged that the responsible party committed acts or omissions that:~~

~~(A) constituted a material violation of foreign environmental law; and~~

~~(B) would have constituted a material violation of state or federal environmental law if the act or omission had occurred in the United States.~~

~~(b) Subsection (a):~~

~~(1) applies only if the acts or omissions alleged under subsection (a)(1) or (a)(2) presented a substantial endangerment to human health or the environment; and~~

~~(2) does not apply to a renewal of an approval under section 1 of this chapter that does not involve construction or expansion as described in section 1 of this chapter.~~

~~(c) A responsible party referred to in subsection (a) must make reasonable efforts to provide complete and accurate information to the department in a disclosure statement that includes the following:~~

~~(1) The name and business address of the responsible party.~~

~~(2) A description of the responsible party's experience in managing the environmental aspects of the type of facility that will be managed under the permit.~~

~~(3) A description of all pending administrative, civil, or criminal enforcement actions filed in the United States against the responsible party alleging any acts or omissions that:~~

~~(A) constitute a material violation of state or federal environmental law; and~~

~~(B) present a substantial endangerment to human health or the environment.~~

~~(4) A description of all pending administrative, civil, or criminal enforcement actions filed in a foreign country against the responsible party alleging any acts or omissions that:~~

~~(A) constitute a material violation of foreign environmental law;~~

~~(B) would have constituted a material violation of state or federal environmental law if the act or omission on which the action is based had occurred in the United States; and~~

~~(C) present a substantial endangerment to human health or the environment.~~

~~(5) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions in the United States resolved against the responsible party within the five (5) years that immediately precede the date of the application involving acts or omissions that:~~

~~(A) constitute a material violation of federal or state environmental law; and~~

~~(B) present a substantial endangerment to human health or the environment.~~

~~(6) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions in a foreign country resolved against the responsible party within the five (5) years that immediately precede the date of the application involving acts or omissions that:~~

~~(A) constitute a material violation of foreign environmental law;~~

~~(B) would have constituted a material violation of state or federal environmental law if the act or omission on which the action is based had occurred in the United States; and~~

~~(C) present a substantial endangerment to human health or the environment.~~

~~(7) Identification of all state, federal, or foreign environmental permits:~~

~~(A) applied for by the responsible party that were denied; or~~

~~(B) previously held by the responsible party that were revoked.~~

~~(d) A disclosure statement submitted under subsection (c):~~

~~(1) must be executed under oath or affirmation; and~~

~~(2) is subject to the penalty for perjury under IC 35-44.1-2-1.~~

~~(e) The department may investigate and verify the information set forth in a disclosure statement submitted under this section.~~

SECTION 7. IC 13-18-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) An applicant seeking an approval from the department under section 1 of this chapter must submit to the department, along with the application for approval, the following:**

(1) The disclosure statement or statements referred to in subsection (c).

(2) The proof of financial assurance referred to in subsection (f).

(b) A person that seeks to satisfy the requirements of section 1 of this chapter by obtaining an NPDES permit for a CAFO as provided in section 1(b) of this chapter must submit the disclosure statement or statements required by subsection (c) and the proof of financial assurance required by subsection (f) along with:

(1) the application for an individual NPDES permit for the CAFO under 327 IAC 5; or

(2) the notice of intent letter submitted under 327 IAC 15 for general NPDES permit coverage for the CAFO.

(c) A person referred to in subsection (a) or (b) must submit to the department a disclosure statement for each person who is a responsible party with respect to the confined feeding operation or CAFO. Each disclosure statement must include the following:

(1) The name and business address of the responsible party.

(2) A description of the responsible party's experience in managing the type of facility that will be managed under the permit.

(3) A description of all pending administrative, civil, or criminal enforcement actions filed against the responsible party alleging either of the following:

(A) Acts or omissions that:

(i) constitute a material violation of a state or federal environmental law or regulation; and

(ii) present a substantial endangerment to human health or the environment.

(B) Knowing, repeated violations of state or federal environmental laws or regulations that could lead to

environmental harm.

(4) A description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions resolved against the responsible party within the five (5) years that immediately precede the date of the application involving either of the following:

(A) Acts or omissions that:

(i) constitute a material violation of a state or federal environmental law or regulation; and

(ii) present a substantial endangerment to human health or the environment.

(B) Knowing, repeated violations of state or federal environmental laws or regulations that could lead to environmental harm.

(5) Information disclosing all state and federal:

(A) environmental permit applications submitted by the responsible party that have been denied; and

(B) environmental permits held by the responsible party that have been revoked.

(d) A disclosure statement submitted under subsection (c):

(1) must be executed under oath or affirmation; and

(2) is subject to the penalty for perjury under IC 35-44.1-2-1.

(e) The department may investigate and verify the information set forth in a disclosure statement submitted under subsection (c).

(f) A person referred to in subsection (a) or (b) must submit to the department evidence of financial assurance, maintained in accordance with and in amounts established in rules adopted under section 4 of this chapter. The financial assurance must be in the form of:

(1) a bond for performance, executed by a corporate surety licensed to do business in Indiana;

(2) a negotiable certificate of deposit; or

(3) a negotiable letter of credit;

payable to the department and conditional upon faithful performance of the requirements of this chapter and compliance with other environmental laws.

SECTION 8. IC 13-18-10-2, AS AMENDED BY P.L.127-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Application for approval under section 1 of this chapter of the construction or expansion of a confined feeding operation **or a CAFO** must be made on a form provided by the department. An applicant must submit the completed application form to the department together with the following:

(1) Plans and specifications for the design and operation of manure treatment and control facilities.

(2) A manure management plan that outlines procedures for the following:

(A) Soil testing.

(B) Manure testing.

(3) Maps of manure application areas.

(4) Supplemental information that the department requires, including the following:

(A) General features of topography.

(B) Soil types.

(C) Drainage course.

(D) Identification of nearest streams, ditches, and lakes.

(E) Location of field tiles.

(F) Location of land application areas.

(G) Location of manure treatment facilities.

(H) Farmstead plan, including the location of water wells on the site.

(5) **Except as provided in subsection (e),** a fee of one hundred dollars ($100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(6) The disclosure statement or statements and the proof of financial assurance required under section 1.5 of this chapter.

(b) An applicant who applies for approval under section 1 of this chapter to construct or expand a confined feeding operation **or a CAFO** on land for which a valid existing approval has not been issued shall make a reasonable effort, ~~to provide notice~~ not more than ten (10) working days after submitting an application, **to provide notice:**

(1) to the county executive of the county in which the confined feeding operation is to be located or expanded; and

(2) to each owner and each occupant of land of which any part of the boundary is one-half (1/2) mile or less from the following:

(A) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation **or CAFO** is to be located:

(i) A livestock or poultry production structure.

(ii) A permanent manure storage facility.

(B) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation **or CAFO** is to be expanded:

(i) A livestock or poultry production structure.

(ii) The expanded area of a livestock or poultry production structure.

The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) A person must comply with subsection (d) if:

(1) the person is not required to file an application as provided in section 1(b) of this chapter for construction of a CAFO:

(A) on land that is undeveloped; or

(B) for which:

(i) a valid existing approval has not been issued; or

(ii) an NPDES permit has not been obtained;

or for expansion of a CAFO; and

(2) the person files:

(A) an application under 327 IAC 5 for an individual NPDES permit for the construction or expansion of a CAFO; or

(B) a notice of intent under 327 IAC 15 for general NPDES permit coverage for construction or expansion of a CAFO.

(d) A person referred to in subsection (c) shall make a reasonable effort to provide notice:

(1) to:

(A) each person who owns land that adjoins the land on which the CAFO is to be located or expanded; or

(B) if a person who owns land that adjoins the land on which the CAFO is to be located or expanded does not occupy the land, all occupants of the land; and

(2) to the county executive of the county in which the CAFO is to be located or expanded;

not more than ten (10) working days after submitting an application or filing a notice of intent. The notice must be sent by mail, be in writing, include the date on which the application or notice of intent was submitted to or filed with the department, and include a brief description of the subject of the application or notice of intent. The person shall pay the cost of complying with this subsection. The person shall submit an affidavit to the department that

certifies that the person has complied with this subsection.

(e) The fee for expansion of a confined feeding operation or CAFO is the fee determined by rule as a percentage of the fee established under subsection (a)(5) for the type of operation determined to account for the magnitude of the expansion as compared to the magnitude of the original construction.

~~(c)~~ **(f)** Plans and specifications for manure treatment or control facilities for a confined feeding operation **or CAFO** must secure the approval of the department. The department shall approve the construction or expansion and the operation of the manure management system of the confined feeding operation **or CAFO** if the commissioner determines that the applicant meets the requirements of:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations **or CAFOs.**

SECTION 9. IC 13-18-10-2.1, AS AMENDED BY P.L.127-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) The department:

(1) shall make a determination on an application made under section 2 of this chapter not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to a longer time; and

(2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

(1) continue to review the application;

(2) approve or deny the application as soon as practicable; and

(3) refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application **under this section** and the ninety (90) day period ~~described under this section~~ **referred to in subsection (a)** if **either of the following subdivisions applies:**

(1) The department:

(A) determines within thirty (30) days after the department receives the application that the application is incomplete; and

(B) ~~has mailed~~ **mails** a notice of deficiency to the applicant that specifies the parts of the application that:

~~(1)~~ **(i)** do not contain adequate information for the department to process the application; or

~~(2)~~ **(ii)** are not consistent with applicable law.

(2) The department:

(A) determines that the applicant is subject to any pending action as described in section 1.5(c)(3) of this chapter; and

(B) is diligently pursuing the pending action under IC 13-30.

(d) The department may establish requirements in an approval regarding that part of the confined feeding operation **or CAFO** that concerns manure handling and application to assure compliance with:

(1) this chapter;

(2) rules adopted under this chapter;

(3) the water pollution control laws;

(4) rules adopted under the water pollution control laws; and

(5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations **or CAFOs.**

(e) Subject to subsection (f), the commissioner may deny an application upon making either or both of the following findings:

(1) A responsible party intentionally misrepresented or concealed any material fact in either or both of the following:

(A) An application for approval under section 1 of this chapter.

(B) A disclosure statement required by section ~~1.4~~ **1.5** of this chapter.

(2) An enforcement action was resolved against a responsible party as described in ~~either or both of the following: (A) Section 1.4(c)(5) of this chapter. (B) Section 1.4(c)(6)~~ **section 1.5(c)(4)** of this chapter.

(f) The commissioner may not deny an application under this section based solely on pending actions disclosed under section 1.5(c)(3) of this chapter.

~~(f)~~ **(g)** Before making a determination to approve or deny an application, the commissioner must consider the following factors:

(1) The nature and details of the acts attributed to the **applicant or the** responsible party.

(2) The degree of culpability of the responsible party.

(3) The responsible party's cooperation with the state, federal, or foreign agencies involved in the investigation of the activities involved in actions referred to in section ~~1.4(c)(5) and 1.4(c)(6)~~ **1.5(c)(4)** of this chapter.

(4) The responsible party's dissociation from any other persons or entities convicted in a criminal enforcement action referred to in section ~~1.4(c)(5) and 1.4(c)(6)~~ **1.5(c)(4)** of this chapter.

(5) Prior or subsequent self-policing or internal education programs established by the responsible party to prevent acts, omissions, or violations referred to in section ~~1.4(c)(5) and 1.4(c)(6)~~ **1.5(c)(4)** of this chapter.

(6) Whether the best interests of the public will be served by denial of the permit.

(7) Any demonstration of good citizenship by the person or responsible party.

~~(g)~~ **(h)** Except as provided in subsection ~~(h),~~ **(i),** in taking action under subsection (e), the commissioner must make separately stated findings of fact to support the action taken. The findings of fact must:

(1) include a statement of ultimate fact; and

(2) be accompanied by a concise statement of the underlying basic facts of record to support the findings.

~~(h)~~ **(i)** If the commissioner denies an application under subsection (e), the commissioner is not required to explain the extent to which any of the factors set forth in subsection (f) influenced the denial.

~~(i)~~ **(j)** The department may amend an approval **of an application** under section 1 of this chapter or revoke an approval **of an application** under section 1 of this chapter:

(1) for failure to comply with:

(A) this chapter;

(B) rules adopted under this chapter;

(C) the water pollution control laws; or

(D) rules adopted under the water pollution control laws; and

(2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

SECTION 10. IC 13-18-10-2.2, AS AMENDED BY P.L.127-2009, SECTION 9, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.2. (a) If an applicant receives an approval under this chapter and completes construction or expansion, not more than thirty (30) days after the date the applicant completes the construction or expansion the applicant shall execute and send to the department an affidavit that affirms under penalties of perjury that the confined feeding operation **or the CAFO:**

(1) was constructed or expanded; and

(2) will be operated;

in accordance with the requirements of the department's approval.

(b) Construction or expansion of an approved confined feeding operation **or CAFO** must:

(1) begin not later than two (2) years; and

(2) be completed not later than four (4) years;

after the date the department approves the construction or expansion of the confined feeding operation **or CAFO** or the date **on which** all appeals brought under IC 4-21.5 concerning the construction or expansion of the confined feeding operation **or CAFO** have been completed, whichever is later.

SECTION 11. IC 13-18-10-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.6. The department shall establish a compliance and technical assistance program for owners and operators of confined feeding operations **and CAFOs.** ~~that~~ **The program** may be administered by:

(1) the department;

(2) a state college or university; or

(3) a contractor.

SECTION 12. IC 13-18-10-4, AS AMENDED BY P.L.127-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Subject to subsection (c),** the board may adopt rules under IC 4-22-2 and IC 13-14-9 and the department may adopt policies or statements under IC 13-14-1-11.5 that are necessary for the proper administration of this chapter. The rules, policies, or statements may concern construction, expansion, and operation of confined feeding operations **and CAFOs** and may include uniform standards for:

(1) construction, expansion, and manure containment that are appropriate for a specific site; and

(2) manure application and handling that are consistent with best management practices:

(A) designed to reduce the potential for manure to be conveyed off a site by runoff or soil erosion; and

(B) that are appropriate for a specific site.

(b) Standards adopted in a rule, policy, or statement under subsection (a) must:

(1) consider confined feeding standards that are consistent with standards found in publications from:

(A) the United States Department of Agriculture;

(B) the Natural Resources Conservation Service of the United States Department of Agriculture;

(C) the Midwest Plan Service; and

(D) postsecondary educational institution extension bulletins; and

(2) be developed through technical review by the department, postsecondary educational institution specialists, and other animal industry specialists.

(c) The board shall:

(1) adopt rules under IC 4-22-2 and IC 13-14-9 to set the amount of financial assurance required of a person under section 1.5(f) of this chapter; and

(2) set graduated amounts under subdivision (1) based on the greater potential liability associated with larger operations.".

Delete pages 2 through 5.

Page 6, delete lines 1 through 33.

Page 9, after line 22, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies notwithstanding the effective date of:**

(1) IC 13-18-10-1.5, as added by this act; and

(2) the amendments under this act to IC 13-18-10-1, IC 13-18-10-2, IC 13-18-10-2.1, and IC 13-18-10-2.2.

(b) The definitions in IC 13-11-2 apply throughout this SECTION.

(c) Subject to subsection (d), the Indiana Code sections referred to in subsection (a), as added or amended by this act, apply to the following confined feeding operations and CAFOs in the same manner in which those sections would have applied if those sections had been in effect on the date on which the application for the confined feeding operation or CAFO was submitted to the department or the notice of intent for general NPDES permit coverage for the CAFO was filed with the department:

(1) A confined feeding operation or CAFO for which a person is required to submit an application to the department for approval under IC 13-18-10-1(a), as amended by this act.

(2) A CAFO for which a person is required to submit an application to the department for approval of an individual NPDES permit for the CAFO under 327 IAC 5.

(3) A CAFO for which a person is required to file a notice of intent under 327 IAC 15 for general NPDES permit coverage for the CAFO.

(d) Subsection (c) applies only if:

(1) the date of submission of a notice of intent referred to in subsection (c) is on or after the effective date of this SECTION; or

(2) an application referred to in subsection (c) was not approved by the department before the effective date of this SECTION.

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2014.)

DVORAK

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 259: yeas 33, nays 63. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 385

Representative Richardson called down Engrossed Senate Bill 385 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 385–2)

Mr. Speaker: I move that Engrossed Bill 385 be amended to read as follows:

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 3-7-13-10, AS AMENDED BY P.L.219-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) After a general or municipal election is conducted, the registration period resumes on the following December 1 (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) Except as provided in IC 3-7-36 for absent uniformed services voters and overseas voters, the registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) Except as provided in IC 3-7-36 for absent uniformed services voters and overseas voters, the registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. Except as provided in

IC 3-7-36 for absent uniformed services voters and overseas voters, the registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

(e) Notwithstanding subsections (b) through (d), a person may register or transfer registration on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 7. IC 3-7-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person desiring to register or transfer a registration may do so:

(1) at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur; **or**

(2) on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11.".

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 23. IC 3-7-36-14, AS AMENDED BY P.L.219-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

(1) beginning on the ninth day before election day; and

(2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period applicable to the voter under this chapter and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the tenth day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the tenth day before election day, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

(1) Complete an application for an absentee ballot.

(2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

(1) Certify in writing that the voter registered under this section.

(2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

(g) A person described in subsection (b) may register and vote on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.".

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

"SECTION 37. IC 3-7-48-1, AS AMENDED BY P.L.271-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless:

(1) the county voter registration office issues a signed certificate of error immediately available for inspection in the county voter registration office showing that the voter is legally registered in the precinct where the voter resides; **or**

(2) the voter has registered as provided in IC 3-7-49.

(b) A person:

(1) whose name does not appear on the registration record; **and**

(2) who does not register as provided in IC 3-7-49;

may cast a provisional ballot as provided in IC 3-11.7.".

Page 23, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 39. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 49. Election Day Registration

Sec. 1. (a) A person who is not registered to vote but is otherwise qualified to vote shall be allowed to vote at the polls in a primary, general, municipal, school district, or special election if the person registers at the polls under this chapter.

(b) In order to register to vote at a precinct under this chapter, a person:

(1) must be a resident of the precinct;

(2) must be otherwise legally qualified to vote under IC 3-7-13-1;

(3) may not be registered to vote under IC 3-7-14 through IC 3-7-23;

(4) may not be qualified to vote under IC 3-7-39-7, IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12; and

(5) may not have already voted in the election.

(c) Before allowing a person to vote under this chapter, the poll clerk or other precinct election officer shall require the person to do the following:

(1) Complete a voter registration form prescribed by IC 3-7-18, along with the affirmation described in section 3 of this chapter, and sign the form in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer.

(2) Provide acceptable proof of residence.

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of residence:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.

(3) A statement signed by any other voter in the

precinct that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator must provide the identification listed in subdivision (1) or (2) as proof of the corroborator's residence and must sign the statement in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If a person presents a document under subsection (a), the poll clerk shall add a notation to the poll list indicating the type of document presented by the person. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the person under IC 3-11.7-2.

(d) The precinct election board shall advise the person that the person may file a copy of the documentation with:

(1) the county voter registration office; or

(2) the precinct election board in the voter's precinct;

to permit the provisional ballot to be counted under IC 3-11.7.

Sec. 3. The commission shall prescribe the affirmation required by section 1(c)(1) of this chapter. The affirmation must include a statement that the person has not already voted at the election for which the person is registering to vote.

Sec. 4. A person who registers to vote under this chapter:

(1) may not be challenged on the grounds that the person's registration does not appear in the precinct registration book or poll list; and

(2) is not required to obtain a certificate of error under IC 3-7-48 to vote.

Sec. 5. Before each primary, general, municipal, school district, or special election, the county election board shall provide each precinct election board with a sufficient number of registration forms, affirmations, and statements to meet the reasonable need for the forms under this chapter.

Sec. 6. The precinct election board shall attach the completed registration forms, affirmations, and statements to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

Sec. 7. (a) The precinct election board shall add the name and address of a person who registers to vote under this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a person who registers to vote under this chapter to the registration record of the county.

Sec. 8. The county voter registration office shall process under IC 3-7-33-5 the voter registration forms completed under section 1 of this chapter.

Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who registered under this chapter is returned as undeliverable, the county voter registration office shall initiate steps under IC 3-7-33-6 to remove the person from the registration rolls.

Sec. 10. A registration completed under this chapter for which the notice mailed under IC 3-7-33-5 is not returned is effective to the same extent as if the registration had been completed under IC 3-7-14 through IC 3-7-23.".

Page 26, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 43. IC 3-10-8-9, AS AMENDED BY P.L.10-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d), **except that a person may register or transfer registration on the day of a special election as provided in IC 3-7-49.**

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

(1) have registered through the twenty-ninth day before the special election is to be conducted; or

(2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.".

Page 28, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 47. IC 3-11-4-1, AS AMENDED BY P.L.66-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

(1) by mail;

(2) before an absentee voter board as ~~otherwise~~ provided in this article; ~~a voter voting by absentee ballot must vote~~

(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(4) at a satellite office established under IC 3-11-10-26.3.

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in section 12.5 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.".

Page 28, line 24, delete "UPON PASSAGE]:" and insert "JULY 1, 2014]:".

Page 29, strike lines 9 through 16.

Page 29, line 17, strike "(5)" and insert "**(4)**".

Page 33, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 51. IC 3-11-4-18, AS AMENDED BY P.L.194-2013, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail,~~ The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the

address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in this subsection, section 18.5 of this chapter, or IC 3-11-10-26.5, the ballot shall be mailed:

(1) on the day of the receipt of the voter's application; or

(2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later. If the election board determines that the county voter registration office has received an application from the applicant for registration at an address within the precinct indicated on the application, and the election board determines that this application is pending under IC 3-7-33, the ballot shall be mailed on the date the county voter registration office indicates under IC 3-7-33-5(f) that the applicant is a registered voter.

(d) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(e) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.".

Page 39, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 55. IC 3-11-8-15, AS AMENDED BY P.L.194-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

(1) Members of a precinct election board.

(2) Poll clerks and assistant poll clerks.

(3) Election sheriffs.

(4) Deputy election commissioners.

(5) Pollbook holders and challengers.

(6) Watchers.

(7) Voters for the purposes of:

(A) voting; **or**

(B) for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct so that the voter's provisional ballot may be counted under IC 3-11.7.

(8) Minor children accompanying voters as provided under IC 3-11-11-8.

(9) An assistant to a precinct election officer appointed under IC 3-6-6-39.

(10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

(A) The county chairman of a political party.

(B) The county vice chairman of a political party.

However, a county chairman or a county vice chairman who is a candidate for nomination or election to office at the election may not enter the polls under this subdivision.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 56. IC 3-11-8-16, AS AMENDED BY P.L.230-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of:

(1) offering to vote; **or**

(2) for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct so that the voter's provisional ballot may be counted under IC 3-11.7.".

Page 41, line 18, after "announce" strike "the".

Page 41, line 19, strike "voter's name".

Page 41, line 19, delete "." and insert "**the voter's name and whether the voter wants to register to vote at the polls. If the voter wants to register and meets the conditions set forth in IC 3-7-49, the poll clerk or other precinct election officer shall register the voter in accordance with IC 3-7-49. If the voter is already registered,**".

Page 41, line 19, delete "A" and insert "a".

Page 42, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 60. IC 3-11-8-25.5, AS AMENDED BY P.L.271-2013, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25.5. **(a)** If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) checks the "Address Unchanged" box;

on the poll list or provides the information for entry by the poll clerk into the electronic poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls, ~~to cast a ballot at the election.~~ **except as provided by subsection (b).**

(b) An individual who:

(1) registers to vote on election day under IC 3-7-49; and

(2) casts a provisional ballot under IC 3-11.7 because the individual is unable to present the documentation required under IC 3-7-49-2(a);

is entitled to reenter the polls solely to file a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the individual's precinct so that the individual's provisional ballot may be counted under IC 3-11.7.".

Page 44, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 65. IC 3-11-10-24, AS AMENDED BY P.L.225-2011, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) Except as provided in subsection (b), a voter ~~who satisfies any of the following~~ is entitled to vote by mail.

~~(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.~~

~~(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:~~

~~(A) a precinct election officer under IC 3-6-6;~~

~~(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;~~

~~(C) a challenger or pollbook holder under IC 3-6-7; or~~

~~(D) a person employed by an election board to administer the election for which the absentee ballot is requested.~~

~~(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.~~

~~(4) The voter is a voter with disabilities.~~

~~(5) The voter is an elderly voter.~~

~~(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.~~

~~(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.~~

~~(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.~~

~~(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.~~

~~(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).~~

~~(11) The voter is a member of the military or public safety officer.~~

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in section 1.5 of this chapter.".

Page 51, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 78. IC 3-11.7-2-1, AS AMENDED BY P.L.219-2013, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:

(1) An individual:

(A) whose name does not appear on the registration list; and

(B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

(4) An individual who is registering to vote at the polls but has not presented identification required under IC 3-7-49-2.

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast; **or**

(3) presented identification required under IC 3-7-49-2 to the poll clerk before voting in person under IC 3-11-8-25.1;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10; and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 385 as printed February 21, 2014.)

BATTLES

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 260: yeas 31, nays 66. Motion failed.

HOUSE MOTION
(Amendment 385–3)

Mr. Speaker: I move that Engrossed Senate Bill 385 be amended to read as follows:

Page 27, delete lines 10 through 42.

Page 28, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to ESB 385 as printed February 21, 2014.)

BARTLETT

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 261: yeas 32, nays 65. Motion failed.

HOUSE MOTION
(Amendment 385–1)

Mr. Speaker: I move that Engrossed Senate Bill 385 be amended to read as follows:

Page 54, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 73. IC 3-14-1-17, AS ADDED BY P.L.219-2013, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) As used in this section, "~~government~~ **"taxpayer-funded** employee" refers to any of the following:

(1) An employee of the state.

(2) An employee of a political subdivision.

(3) A special state appointee (as defined in IC 4-2-6-1).

(4) An employee of a charter school (as defined in IC 20-24-1-4).

(5) An employee of a nonpublic school that is a participating school (as defined in IC 20-51-1-6).

(6) An employee of a charter school (as defined in IC 20-24-1-4).

(b) As used in this section, "~~government~~ **"taxpayer-funded** employer" refers to the state, ~~or~~ a political subdivision, **a charter school, or a nonpublic school that is a participating school.**

(c) As used in this section, "property" refers only to the following:

(1) Equipment, goods, and materials, including mail and messaging systems.

(2) Money.

(d) A ~~government~~ **taxpayer-funded** employee may not knowingly or intentionally use the property of the employee's ~~government~~ **taxpayer-funded** employer to do any of the following:

(1) Solicit a contribution.

(2) Advocate the election or defeat of a candidate.

(3) Advocate the approval or defeat of a public question.

(e) A ~~government~~ **taxpayer-funded** employee may not knowingly or intentionally distribute campaign materials advocating:

(1) the election or defeat of a candidate; or

(2) the approval or defeat of a public question;

on the ~~government~~ **taxpayer-funded** employer's real property during regular working hours.

(f) This section does not prohibit the following:

(1) Activities permitted under IC 6-1.1-20.

(2) A ~~government~~ **taxpayer-funded** employee from carrying out administrative duties under the direction of an elected official who is the ~~government~~ **taxpayer-funded** employee's supervisor.

(g) A ~~government~~ **taxpayer-funded** employee who knowingly or intentionally performs several actions described in subsection (d) or (e) in a connected series that are closely related in time, place, and circumstance may be charged with only one (1) violation of this section for that connected series of actions.

(h) A ~~government~~ **taxpayer-funded** employee who violates this section commits a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 385 as printed February 21, 2014.)

BATTLES

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 385 a bill pending before the House. After discussion, Representative Battles withdrew the motion to amend.

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

Engrossed Senate Bill 396

Representative Koch called down Engrossed Senate Bill 396 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 396–1)

Mr. Speaker: I move that Engrossed Senate Bill 396 be amended to read as follows:

Page 1, delete lines 1 through 16.

Delete pages 2 through 5.

Page 6, delete lines 1 through 27.

Renumber all SECTIONS consecutively.

(Reference is to ESB 396 as printed February 21, 2014.)

PIERCE

Motion failed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 282

Representative Behning called down Engrossed Senate Bill 282 for third reading:

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

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

Roll Call 262: yeas 61, nays 37. 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 311

Representative Kubacki called down Engrossed Senate Bill 311 for third reading:

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning agriculture and animals.

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

Roll Call 263: yeas 94, nays 3. 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 335

Representative Frye called down Engrossed Senate Bill 335 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 264: yeas 95, nays 3. 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 352

Representative Hamm called down Engrossed Senate Bill 352 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the military and veterans.

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

Roll Call 265: yeas 98, 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 387

Representative Frye called down Engrossed Senate Bill 387 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 266: yeas 97, 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 394

Representative Torr called down Engrossed Senate Bill 394 for third reading:

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

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

Roll Call 267: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1095 on February 24.

RESOLUTIONS ON FIRST READING

House Resolution 5

Representative Riecken introduced House Resolution **5:**

A HOUSE RESOLUTION urging the legislative council to assign the Child Services Oversight Committee to study duplication of, timing of, and costs associated with requiring national criminal background checks for certain entities by different agencies.

Whereas, Numerous governmental and business entities have the need to perform accurate limited criminal history verification for employment and other purposes;

Whereas, A central repository of criminal history data would substantially enhance the ability of governmental and private entities to perform accurate criminal history verification; and

Whereas, It is urgent that the state come up with viable solutions to the problems facing governmental entities in gathering and maintaining complete criminal history data in an accessible format from a central data base, giving due consideration to the economics of gathering and maintaining such information: Therefore,

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

SECTION 1. That the legislative council is urged to assign the Child Services Oversight Committee to study the problems facing governmental entities in gathering and maintaining criminal history data at a central repository for use by governmental and private entities for criminal history verification.

The resolution was read a first time and referred to the Committee on Families, Children and Human Affairs.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 367 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Ober be added as cosponsor of Engrossed Senate Bill 4.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as cosponsor of Engrossed Senate Bill 36.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lawson be added as cosponsor of Engrossed Senate Bill 50.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as cosponsor of Engrossed Senate Bill 88.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 180.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives VanDenburgh, Battles and McNamara be added as cosponsors of Engrossed Senate Bill 222.

ARNOLD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Riecken and Lehman be added as cosponsors of Engrossed Senate Bill 291.

COX

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as cosponsor of Engrossed Senate Bill 349.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hale and Ober be added as cosponsors of Engrossed Senate Bill 375.

HEUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Niezgodski and Frye be added as cosponsors of Engrossed Senate Bill 405.

VANNATTER

Motion prevailed.

HOUSE MOTION

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

KUBACKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davisson be added as coauthor of House Resolution 15.

UBELHOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lutz, Smaltz, Errington and C. Brown be added as coauthor House Resolution 16.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Battles, Frizzell and Morrison be added as coauthors of House Resolution 21.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be removed as cosponsor, and that Representative V. Smith be added as cosponsor of Senate Concurrent Resolution 24.

C. BROWN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1053, 1057, 1095, 1096, 1132, 1276 and 1286 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1019, 1050, 1070, 1134, 1196, 1237, 1268, 1323 and 1340 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 5, 17, 20, 37, 38, 41 and 42 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 11, 24, 25, 26, 27, 28, 29 and 30 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Representative Pelath announced the death of former Representative Jerry Denbo. The House stood for a moment of silence in memory of his life.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mahan, the House adjourned at 7:15 p.m., this twenty-fourth day of February, 2014, until Tuesday, February 25, 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