



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Twenty-fourth Day

Thursday Morning

February 23, 2017

The invocation was offered by Minister Jeff Clem of Salem Assembly of God in Salem, a guest of Representative Davisson.

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

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

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 204: 94 present; 6 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 Monday, February 27, 2017, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Resolution 27

Representative Behning introduced House Resolution 27:

A HOUSE RESOLUTION congratulating Brentwood Elementary School.

Whereas, Brentwood Elementary School, Plainfield, has been named the top public elementary school in Indiana by StartClass by Graphiq;

Whereas, After evaluating 1,981 Indiana schools on several factors including state assessment scores and class size, StartClass gave Brentwood Elementary School a 10 rating;

Whereas, With a total enrollment of 454, Brentwood Elementary has a student-to-teacher ratio of 20:1;

Whereas, Ranked 17th out of the 1,027 Indiana Elementary Schools that have reported assessment performances to the United States Department of Education, Brentwood Elementary School is in the top 10 percent based on how its student body has performed on the state reading and math assessments;

Whereas, The principal, faculty, staff, students, and parents of Brentwood Elementary School are to be commended for their great work;

Whereas, The people of the state of Indiana applaud Brentwood Elementary School in its pursuit of excellence in education; and

Whereas, It is fitting that recognition of the achievements of the members of our educational system should be extensive to encourage them to always strive to develop Indiana's educational system to its full potential: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the administration, faculty, and staff of Brentwood Elementary School on being named the top public elementary school in Indiana and urges them to continue to strive for excellence in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to principal Nicole Walker and superintendent Scott Olinger.

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

House Resolution 28

Representative Saunders introduced House Resolution 28:

A HOUSE RESOLUTION recognizing law enforcement officers.

Whereas, It is important that all citizens know, understand, and appreciate the duties, responsibilities, hazards, and sacrifices of law enforcement officers;

Whereas, Our many proud law enforcement officers, whose service and sacrifice protect our communities and safeguard our democracy, provide a vital public service to our state through the fulfillment of their mission to serve and to protect;

Whereas, Each day, more than 780,000 law enforcement officers across our nation put a badge on knowing they may face extremely dangerous situations;

Whereas, Sadly, for the past 20 years, an average of 163 officers have died each year in the line of duty, and each year 50,000 officers are assaulted, and 14,000 officers are injured;

Whereas, The men and women in law enforcement know it is more than a job;

Whereas, For them, the threat of crime and violence and the daily uncertainty of safety begin anew with each shift; and

Whereas, The citizens of the state of Indiana recognize and commit to honor those who continue to make the ultimate sacrifice to keep our communities safe and play such an integral role in our society: 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 urges the citizens of Indiana to recognize National Law Enforcement Appreciation Day (L.E.A.D.) on January 9, 2018, and dutifully honors the law enforcement officers who are so integral to our way of life in Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the National Fraternal Order of Police.

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

HOUSE 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: House Bills 1024, 1289, 1317, 1496 and 1578.

House Bill 1617

Representative Speedy called down House Bill 1617 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1617-1)

Mr. Speaker: I move that House Bill 1617 be amended to read as follows:

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

"SECTION 1. IC 21-14-3-2, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. Provisions outside this article that provide for educational costs exemptions and

reductions include the following:

(1) IC 10-12-2-6 (free tuition for children of an employee of the state police department who is killed in the line of duty).

(2) IC 10-12-2-11 (child or spouse of an employee of the state police department who sustains catastrophic personal injury in the line of duty).

(3) **IC 36-8-8-25 (child or spouse of a police officer or firefighter who sustains catastrophic personal injury in the line of duty).**

(4) **IC 36-8-10-15.8 (child or spouse of the sheriff of a county or a county police officer who sustains catastrophic personal injury in the line of duty).**"

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

"SECTION 4. IC 36-8-8-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 25. The child or spouse of a fund member who qualifies for disability benefits under sections 13.3(f) or 13.5(m) of this chapter may not be required to pay tuition or mandatory fees at any state supported college, university, or technical school if:**

(1) **the child is less than twenty-three (23) years of age and is a full-time student pursuing a prescribed course of study; or**

(2) **the spouse is pursuing a prescribed course of study toward an undergraduate degree."**

Page 9, after line 2, begin a new paragraph and insert:

"SECTION 6. IC 36-8-10-15.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 15.8. The child or spouse of an employee beneficiary who qualifies for disability benefits under section 15.5 of this chapter may not be required to pay tuition or mandatory fees at any state supported college, university, or technical school if:**

(1) **the child is less than twenty-three (23) years of age and is a full-time student pursuing a prescribed course of study; or**

(2) **the spouse is pursuing a prescribed course of study toward an undergraduate degree."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1617 as printed February 21, 2017.)

MORRIS

Motion prevailed. The bill was ordered engrossed.

House Bill 1463

Representative Carbaugh called down House Bill 1463 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1463-1)

Mr. Speaker: I move that House Bill 1463 be amended to read as follows:

Page 15, after line 41, begin a new paragraph and insert:

"SECTION 6. IC 5-10.5-4-1, AS AMENDED BY P.L.181-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: 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) Have the accounts of the fund audited 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) Publish for the members a synopsis of the fund's condition.

(10) 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) Expend money, including income from the fund's investments, for effectuating the fund's purposes.

(12) Establish personnel programs and policies for the employees of the system.

(13) Submit a financial report before November 1 each year to the governor, the interim study committee on pension management oversight established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6, 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 interim study committee on pension management oversight established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.

(14) Provide the necessary forms for administering the fund.

(15) 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.

(16) Provide education to employers and members regarding retirement benefit options of all applicable public pension and retirement funds of the system."

Renumber all SECTIONS consecutively.

(Reference is to HB 1463 as printed February 21, 2017.)

CARBAUGH

Motion prevailed. The bill was ordered engrossed.

House Bill 1450

Representative Leonard called down House Bill 1450 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1450-1)

Mr. Speaker: I move that House Bill 1450 be amended to read as follows:

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

"SECTION 2. IC 5-22-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) "Public funds" means money:

(1) derived from the revenue sources of the governmental body; and

(2) deposited into the general or a special fund of the governmental body.

(b) The term does not include either of the following:

(1) Money received by ~~any a person managing or~~

~~operating a public facility~~ under an authorized ~~operating public-private~~ agreement under IC 5-23.

(2) Proceeds of bonds payable exclusively by a private entity."

Page 43, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 27. IC 36-1-12-1.2, AS AMENDED BY P.L.91-2014, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. The following definitions apply throughout this chapter:

(1) "Board" means the board or officer of a political subdivision or an agency having the power to award contracts for public work.

(2) "Contractor" means a person who is a party to a public work contract with the board.

(3) "Subcontractor" means a person who is a party to a contract with the contractor and furnishes and performs labor on the public work project. The term includes material men who supply contractors or subcontractors.

(4) "Escrowed income" means the value of all property held in an escrow account over the escrowed principal in the account.

(5) "Escrowed principal" means the value of all cash and securities or other property placed in an escrow account.

(6) "Operating agreement" has the meaning set forth in IC 5-23-2-7.

(7) "Person" means any association, corporation, limited liability company, fiduciary, individual, joint venture, partnership, sole proprietorship, or any other legal entity.

(8) "Property" means all:

(A) personal property, fixtures, furnishings, inventory, and equipment; and

(B) real property.

(9) "Public fund" means all funds that are:

(A) derived from the established revenue sources of a political subdivision or an agency of a political subdivision; and

(B) deposited in a general or special fund of a municipal corporation, or another political subdivision or agency of a political subdivision.

The term does not include funds received by ~~any a person managing or operating a public project~~ under a duly authorized ~~operating public-private~~ agreement under IC 5-23 or proceeds of bonds payable exclusively by a private entity.

(10) "Retainage" means the amount to be withheld from a payment to the contractor or subcontractor until the occurrence of a specified event.

(11) "Specifications" means a description of the physical characteristics, functional characteristics, extent, or nature of any public work required by the board.

(12) "Substantial completion" refers to the date when the construction of a structure is sufficiently completed, in accordance with the plans and specifications, as modified by any complete change orders agreed to by the parties, so that it can be occupied for the use for which it was intended."

Renumber all SECTIONS consecutively.

(Reference is to HB 1450 as printed February 21, 2017.)

BRAUN

Motion prevailed.

HOUSE MOTION (Amendment 1450-2)

Page 50, line 10, delete "county".

Page 50, line 10, after "general" insert "**drain improvement**".

(Reference is to HB 1450 as printed February 21, 2017.)

SAUNDERS

Motion prevailed. The bill was ordered engrossed.

House Bill 1441

Representative Porter called down House Bill 1441 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1441-1)

Mr. Speaker: I move that House Bill 1441 be amended to read as follows:

Delete the title and insert the following:
A BILL FOR AN ACT concerning health.
Page 1, delete lines 1 through 17.
Delete pages 2 through 4.

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

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

(b) As used in this SECTION, "pest"."

Page 5, delete lines 8 through 10, begin a new paragraph and insert:

"(c) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5-1.3-4.

(2) An interim study committee established under IC 2-5-1.3-14.

(d) As used in this SECTION, "vector"."

Page 5, delete lines 13 through 42, begin a new paragraph and insert:

"(e) The legislative council is urged to assign to a study committee, during the 2017 legislative interim, the topic of pest and vector abatement, including whether:

(1) the statutory definitions of "pest" and "vector" should be amended; and

(2) the state department of health and the health and hospital corporation should be given authority to adopt rules concerning pests and vectors.

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

(g) This SECTION expires December 31, 2017.

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

Delete pages 6 through 9.

(Reference is to HB 1441 as printed February 20, 2017.)

KIRCHHOFER

Motion prevailed. The bill was ordered engrossed.

House Bill 1394

Representative Frizzell called down House Bill 1394 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1394-1)

Mr. Speaker: I move that House Bill 1394 be amended to read as follows:

Delete the title and insert the following:

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

Page 1, line 3, after "(a)" insert "This section applies to a license for which a unit imposed a fee before July 1, 2017.

(b)".

Page 1, line 12, delete "(b) This subsection applies to a license for which a unit imposed" and insert "(c)".

Page 1, line 13, delete "a fee before July 1, 2017."

Page 2, after line 19, begin a new paragraph and insert:

"(d) After June 30, 2017, a unit shall waive fifty percent (50%) of the fees and taxes related to the initial issuance

and reinstatement (including tests, inspections, and other activities that are a condition of the initial issuance or reinstatement of a license) of an occupational or professional license if the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(1) the applicant and the applicant's spouse; and

(2) any other individuals living together with the applicant at one (1) residence as a domestic unit with mutual economic dependency;

for the calendar year preceding the year in which an application to issue, renew, or reinstate is made equaled or exceeded one hundred twenty percent (120%) of the federal poverty level and did not exceed one hundred eighty-five percent (185%) of the federal poverty level."

(Reference is to HB 1394 as printed February 21, 2017.)

CARBAUGH

Motion prevailed. The bill was ordered engrossed.

House Bill 1273

Representative Baird called down House Bill 1273 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1273-1)

Mr. Speaker: I move that House Bill 1273 be amended to read as follows:

Page 3, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 2. IC 5-10-8.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 8.2. Government Employee Health Plans; Out of Network Health Care Services

Sec. 1. As used in this chapter, "administrator" means the following:

(1) For purposes of a state employee health plan:

(A) the state personnel department; or

(B) an entity with which the state contracts to administer the health coverage.

(2) For purposes of a local unit health plan:

(A) the executive (as defined in IC 36-1-2-5) of the local unit; or

(B) an entity with which the local unit contracts to administer the health coverage.

Sec. 2. As used in this chapter, "covered individual" means an individual who is entitled to coverage under a government employee health plan.

Sec. 3. As used in this chapter, "emergency" has the meaning set forth in IC 27-8-11-1.

Sec. 4. As used in this chapter, "government employee health plan" means the following:

(1) A state employee health plan.

(2) A local unit health plan.

Sec. 5. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1.

Sec. 6. As used in this chapter, "independent data base" means a data base that is approved by the commissioner under IC 27-1-3-34.

Sec. 7. As used in this chapter, "in network" refers to a provider that has entered into an agreement to be part of a network that applies to coverage under a covered individual's government employee health plan.

Sec. 8. As used in this chapter, "local unit health plan" means a self-insurance program established or maintained under IC 5-10-8-2.2(d)(2) or IC 5-10-8-2.6(b)(2) to provide group health coverage.

Sec. 9. As used in this chapter, "network" means a group of two (2) or more providers that, individually or through a third party representative, have entered into an agreement to provide health care services to a covered individual.

Sec. 10. As used in this chapter, "out of network" refers

to a provider that has not entered into an agreement to be part of a network that applies to coverage under a covered individual's government employee health plan.

Sec. 11. As used in this chapter, "provider" has the meaning set forth in IC 27-8-11-1.

Sec. 12. As used in this chapter, "state employee health plan" means a self-insurance program established or maintained under IC 5-10-8-7(b) to provide group health coverage.

Sec. 13. (a) This section applies to a government employee health plan:

(1) that is established, amended, or renewed after June 30, 2017; and

(2) to which a network applies.

(b) As used in this section, "care obtained in an emergency" means, with respect to a covered individual, covered health care services that are:

(1) rendered by a provider within the scope of the provider's license and as otherwise authorized under law; and

(2) needed to evaluate or stabilize an individual in an emergency.

(c) As used in this section, "stabilize" means to render medical treatment to an individual in an emergency as may be necessary to assure, within reasonable medical probability, that material deterioration of the individual's condition is not likely to result from or during any of the following:

(1) The discharge of the individual from an emergency department or other care setting where emergency health care services are rendered to the individual.

(2) The transfer of the individual:

(A) from an emergency department or other care setting where emergency health care services are rendered to the individual; and

(B) to another health care facility.

(3) The transfer of the individual:

(A) from a hospital emergency department or other hospital care setting where emergency health care services are rendered to the individual; and

(B) to the hospital's inpatient setting.

(d) As described in subsection (c), a government employee health plan shall cover and reimburse expenses for care obtained in an emergency by a covered individual without:

(1) prior authorization; or

(2) regard to whether the provider who rendered the health care services to the covered individual in an emergency is in network or out of network;

in a situation where a prudent lay person could reasonably believe that the covered individual's condition required immediate medical attention. The emergency care obtained by a covered individual under this section includes care for the alleviation of severe pain, which is a symptom of an emergency.

(e) A government employee health plan shall cover and reimburse expenses for emergency health care services at a rate equal to the lesser of the following:

(1) In accordance with an independent data base, the usual, customary, and reasonable charge in the government employee health plan's service area for health care services rendered during the emergency.

(2) An amount agreed to between the administrator and the out of network provider.

A provider that renders emergency health care services to a covered individual under this section may not charge the covered individual except for an applicable copayment, coinsurance, or deductible. Care and treatment rendered to a covered individual once the covered individual is stabilized is not care obtained in an emergency.

Sec. 14. (a) This section applies to a government employee health plan:

(1) that is established, amended, or renewed after June 30, 2017; and

(2) to which a network applies.

(b) A government employee health plan:

(1) must provide for direct payment to an out of network provider described in IC 16-21-2.5-5(2)(B) or IC 25-1-9.1-6(2)(B) an amount equal to or less than the payments to providers:

(A) of the same specialty; and

(B) for the same health care services;

at the sixtieth percentile in the same geographic area according to an independent data base that is available for the geographic area in which the health care services described in IC 16-21-2.5-5(2) or IC 25-1-9.1-6(2) are provided; and

(2) may not require a covered individual to pay to an out of network provider described in IC 16-21-2.5-5(2)(B) or IC 25-1-9.1-6(2)(B) an amount that exceeds the coinsurance, deductible, copayment, or other out of pocket part:

(A) of the amount payable on a claim under subdivision (1); and

(B) that is the covered individual's responsibility under the government employee health plan.

(c) An administrator shall provide for mediation of a dispute between the administrator and an out of network provider as follows:

(1) The amount in controversy on a disputed claim must be at least five hundred dollars (\$500) per billing code net of:

(A) the government employee health plan's out of network payment amount; and

(B) the covered individual's out of pocket amount; under the government employee health plan.

(2) The out of network provider alleges that the amount payable under subsection (b) does not properly recognize:

(A) the out of network provider's training, qualifications, and length of time in practice;

(B) the nature of the health care services;

(C) usual and customary charges for providers practicing in the same geographic area; and

(D) other aspects of the out of network provider's practice that are relevant to the value of the health care services.

(3) The out of network provider may initiate mediation by providing written notice of the dispute to the administrator.

(4) A single mediation may consider more than one (1) dispute between the out of network provider and the administrator if the claims are similar or involve common questions of fact or law.

(5) Upon receipt of a notice under subdivision (3), the administrator shall:

(A) select a different mediator for each mediation initiated under this section from the list of mediators approved by the commissioner under IC 27-1-3-34; and

(B) rotate the choice of a mediator among all approved mediators before repeating a selection.

(6) Mediation resolution must occur less than thirty (30) days after the date the notice described in subdivision (3) is received by the administrator.

(7) The mediator must accept either the out of network provider's or the administrator's reimbursement proposal.

(8) The physician fee schedule that applies to Medicare (42 U.S.C. 1395 et seq.) may not be used as a reference for the mediation process.

(d) Subsection (c) does not waive any rights of a covered individual or out of network provider to file a civil action or an administrative complaint:

(1) for alleged regulatory noncompliance of an administrator; or

(2) if the amount in controversy is less than the amount described in subsection (c)(1)."

Page 5, line 13, after "patient's" insert **"government employee health plan under IC 5-10-8.2-14 or"**.

Page 6, line 24, after "by" insert **"IC 5-10-8.2-14 or"**.

Page 8, line 3, after "patient's" insert **"government employee health plan under IC 5-10-8.2-14 or"**.

Page 9, line 12, after "by" insert **"IC 5-10-8.2-14 or"**.

Page 9, line 30, after "by" insert **"administrators under IC 5-10-8.2-14 and"**.

Page 9, delete lines 36 through 39, begin a new line block indented and insert:

"(1) approve, for use by:

(A) administrators and out of network providers under IC 5-10-8.2-14; and

(B) insurers and out of network providers under IC 27-8-11-3;

in mediating disputes, at least one (1) mediator that meets criteria (including an appropriate mediation process) determined by the commissioner; and".

Renumber all SECTIONS consecutively.

(Reference is to HB 1273 as printed February 20, 2017.)

CARBAUGH

Motion prevailed. The bill was ordered engrossed.

House Bill 1129

Representative Thompson called down House Bill 1129 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1129-1)

Mr. Speaker: I move that House Bill 1129 be amended to read as follows:

Page 24, line 26, delete "fiscal body of Hendricks County" and insert **"township fiscal body shall adopt a resolution to impose an additional local income tax rate upon the local taxpayers residing in the township for the public transportation project in the township. A resolution adopted under this subsection must comply with the requirements of the department of local government finance and specify an additional tax rate to be imposed in the township of at least one-tenth percent (0.1%), but not more than twenty-five hundredths percent (0.25%). If a resolution is adopted under this subsection, the amount of the certified distribution attributable to the additional tax rate imposed under this subsection must be:**

(1) retained by the county auditor;

(2) deposited in the county public transportation project fund established under IC 8-25-3-7; and

(3) used for the purpose provided in this subsection instead of as a property tax replacement distribution.

The tax rate under this subsection plus the tax rate under IC 6-3.6-6 may not exceed the tax rate specified in IC 6-3.6-6-2. Notwithstanding IC 6-3.6-7-27, the Hendricks County fiscal body is not required under this section to adopt an ordinance under IC 6-3.6-7-27."

Page 24, delete lines 27 through 30.

(Reference is to HB 1129 as printed February 21, 2017.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

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

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1145

Representative Zent called down Engrossed House Bill 1145 for third reading:

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

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

Roll Call 205: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

Engrossed House Bill 1470

Representative Ober called down Engrossed House Bill 1470 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 206: 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. Senate sponsors: Senators Hershman and Ruckleshaus.

Engrossed House Bill 1449

Representative DeVon called down Engrossed House Bill 1449 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 207: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:07 p.m. with the Speaker in the Chair.

Representative J. Young, who had been excused, is now present.

HOUSE BILLS ON SECOND READING

House Bill 1001

Representative T. Brown called down House Bill 1001 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1001-3)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 18, line 3, delete "Commission".

Page 18, line 7, delete "and Regulation" and insert **"Regulation and"**.

Page 31, line 30, delete "Five-hundred" and insert **"Five hundred"**.

Page 37, line 20, delete "Indiana Heritage" and insert **"Benjamin Harrison Conservation"**.

Page 37, line 32, delete "state-owned" and insert **"state owned"**.

Page 44, line 13, delete "Entrepreneur" and insert **"Entrepreneur"**.

Page 48, line 18, after "Construction" insert **"and"**.

Page 49, line 43, delete "IC 8-23-2-5(6)" and insert **"IC 8-23-2-5(a)(6)"**.

Page 66, line 46, delete "7,737,816 7,737,816" and insert **"7,487,816 7,487,816"**.

Page 66, delete lines 48 through 49.

Page 67, delete line 1.

Page 67, line 4, delete "8,542,325 8,542,325" and insert **"8,792,325 8,792,325"**.

Page 67, between lines 4 and 5, begin a new line blocked left and insert:

"Of the above appropriations, \$250,000 shall be used each state fiscal year by the Purdue Extension to partner with urban agriculture cooperatives in the installation of high tunnel greenhouses for the promotion of year-round agricultural production in urban areas."

Page 73, line 26, after "appropriations," insert **"at least"**.

Page 74, line 41, delete "teacher's" and insert **"teachers"**.

Page 76, line 23, delete "that" and insert **"who"**.

Page 76, line 27, delete "state".

Page 76, line 36, delete "Board's" and insert **"Board"**.

Page 101, line 10, delete "chapter, and before July 15," and insert **"chapter."**

Page 101, delete line 11.

Page 101, line 12, delete "under section 7.5 of this chapter."

Page 112, delete lines 30 through 47.

Page 113, delete lines 1 through 18.

Page 115, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 87. IC 8-15.5-11-3, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The toll road fund is established to provide funds to:

(1) pay or defease certain bonds in the manner provided by this chapter;

(2) pay amounts owed by the authority in connection with the execution and performance of a public-private agreement under this article, including operating expenses of the authority; and

(3) make distributions to ~~the next generation trust fund and the major moves construction fund.~~

(b) The authority shall hold, administer, and manage the fund.

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

(d) The fund consists of the following:

(1) Money received from an operator under a public-private agreement.

(2) Appropriations, if any, made by the general assembly.

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

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

(5) Amounts transferred to the fund under subsection (i).

(6) Amounts transferred to the fund under IC 8-14-14-6(a)(5).

(e) The authority shall establish the following separate accounts within the fund:

(1) The bond retirement account.

(2) The administration account.

(3) The eligible project account.

(f) Money in the fund shall be deposited, paid, and secured in the manner provided by IC 4-4-11-32. Notwithstanding IC 5-13, the authority shall invest the money in the fund that is not needed to meet the obligations of the fund in the manner

provided by an investment policy established by resolution of the authority.

(g) The fund is not part of the state treasury and is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

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

(i) As soon as practicable after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall determine the total balance remaining in all toll road funds and accounts established under IC 8-15-2. Subject to any applicable trust indentures securing toll road bonds, the authority may retain from those funds and accounts the amounts necessary to pay outstanding obligations with respect to the operation of the Indiana Toll Road incurred before the effective date of the public-private agreement, and shall transfer all remaining balances in the toll road funds and accounts to the fund."

Page 119, line 35, delete "Community transition." and insert **"Workplace assistance, as defined in the family supports Medicaid waiver and the community integration habilitation Medicaid waiver."**

Page 119, between lines 39 and 40, begin a new line double block indented and insert:

"(L) Facility based support, as defined in the family supports Medicaid waiver and the community integration habilitation Medicaid waiver."

Page 139, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 149. IC 20-51-4-5, AS AMENDED BY P.L.106-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The state tuition support amount to be used in section 4(a)(1)(B) of this chapter for an eligible choice scholarship student is the amount determined under the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible choice scholarship student has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE is eligible to receive under IC 20-43 for the state fiscal year in which the current school year begins, excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM (as defined in IC 20-43-1-10) **or the informational spring count determined under IC 20-43-4, whichever applies**, for the school corporation identified under STEP ONE for the state fiscal year used in STEP TWO."

Page 141, line 23, delete "lowest" and insert **"lower"**.

Page 142, after line 47, begin a new paragraph and insert:

"SECTION 157. [EFFECTIVE UPON PASSAGE] (a) The budget agency shall do a comparison of salary and benefits with comparable law enforcement agencies in other states for the following:

(1) **The conservation officers of the department of natural resources.**

(2) **The state excise police of the alcohol and tobacco commission.**

(3) **The gaming agents of the Indiana gaming commission.**

(b) **The budget agency shall present its findings to the budget committee before December 31, 2017.**

(c) This SECTION expires June 30, 2018."

Page 143, line 20, delete "[EFFECTIVE JANUARY 1, 2017 (RETROACTIVE)]" and insert "[EFFECTIVE JANUARY 1, 2018]".

Page 143, line 21, delete "2016." and insert "**2017.**".

Page 143, line 22, delete "July 1, 2021." and insert "**June 30, 2022.**".

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 20, 2017.)

T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 1001-2)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 120, delete lines 25 through 44.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

ARNOLD

Upon request of Representatives Torr and Burton, the Speaker ordered the roll of the House to be called. Roll Call 208: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1001-9)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 12, delete lines 44 through 45.

Page 13, line 10, delete "4,300,232 4,300,232" and insert "**4,171,225 4,171,225**".

Page 13, line 21, delete "16,641,910 16,641,910" and insert "**16,142,653 16,142,653**".

Page 13, line 46, delete "19,449,168 19,449,168" and insert "**18,949,911 18,949,911**".

Page 14, line 19, delete "4,457,622 4,457,622" and insert "**4,323,893 4,323,893**".

Page 14, line 29, delete "14,724,120 14,724,120" and insert "**14,282,396 14,282,396**".

Page 14, line 44, delete "408,538 408,538" and insert "**396,282 396,282**".

Page 15, line 4, delete "7,500,000 7,500,000" and insert "**6,500,000 6,500,000**".

Page 15, line 11, delete "2,270,905 2,270,905" and insert "**2,202,778 2,202,778**".

Page 16, line 36, delete "1,230,712 1,230,712" and insert "**1,193,791 1,193,791**".

Page 18, line 36, delete "9,566,483 9,566,483" and insert "**9,279,791 9,279,791**".

Page 20, delete lines 20 through 21.

Page 44, line 3, delete "10,000,000 10,000,000" and insert "**5,000,000 5,000,000**".

Page 44, line 30, delete "10,000,000 10,000,000" and insert "**7,000,000 8,000,000**".

Page 45, line 43, delete "200,000" and insert "**150,000**".

Page 46, line 9, delete "8,000,000 8,000,000" and insert "**7,000,000 7,000,000**".

Page 72, delete lines 45 through 49.

Page 73, delete line 1.

Page 73, line 6, delete "13,495,125 13,495,125" and insert "**12,000,000 12,000,000**".

Page 73, line 14, delete "9,681,652 9,681,652" and insert "**8,186,527 8,186,527**".

Page 73, line 30, delete "5,000,000" and insert "**1,000,000**".

Page 76, delete lines 10 through 16.

Page 76, line 19, delete "12,310,000 12,310,000" and insert "**310,000 310,000**".

Page 79, line 43, delete "66,328,183 66,328,183" and insert "**55,000,000 55,000,000**".

Page 107, delete lines 11 through 31.

Page 110, delete lines 31 through 47.

Delete pages 111 through 112.

Page 113, delete lines 1 through 18.

Page 115, delete lines 14 through 47.

Page 116, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

PORTER

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 209: yeas 29, nays 66. Motion failed.

HOUSE MOTION
(Amendment 1001-20)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 10, line 37, delete "1,500,000 1,500,000" and insert "**1,750,000 1,750,000**".

Page 12, line 6, delete "977,329 977,329" and insert "**1,409,278 1,269,319**".

Page 12, line 7, delete "407,243 407,243" and insert "**459,843 453,843**".

Page 12, delete lines 44 through 45.

Page 13, line 10, delete "4,300,232 4,300,232" and insert "**4,171,225 4,171,225**".

Page 13, line 21, delete "16,641,910 16,641,910" and insert "**16,142,653 16,142,653**".

Page 13, line 46, delete "19,449,168 19,449,168" and insert "**18,949,911 18,949,911**".

Page 14, line 19, delete "4,457,622 4,457,622" and insert "**4,323,893 4,323,893**".

Page 14, line 29, delete "14,724,120 14,724,120" and insert "**14,282,396 14,282,396**".

Page 14, line 44, delete "408,538 408,538" and insert "**396,282 396,282**".

Page 15, line 4, delete "7,500,000 7,500,000" and insert "**6,500,000 6,500,000**".

Page 15, line 11, delete "2,270,905 2,270,905" and insert "**2,202,778 2,202,778**".

Page 16, line 36, delete "1,230,712 1,230,712" and insert "**1,193,791 1,193,791**".

Page 18, line 36, delete "9,566,483 9,566,483" and insert "**9,279,791 9,279,791**".

Page 19, line 36, delete "2,658,561 2,658,561" and insert "**2,578,804 2,578,804**".

Page 20, delete lines 20 through 21.

Page 37, line 19, delete "94,090 94,090" and insert "**500,000 500,000**".

Page 42, line 23, delete "300,000 300,000" and insert "**400,000 400,000**".

Page 42, line 26, delete "1,000,000 1,000,000" and insert "**1,500,000 1,500,000**".

Page 44, line 30, delete "10,000,000 10,000,000" and insert "**7,000,000 8,000,000**".

Page 44, line 35, after "appropriations." insert "**The above appropriation may be augmented to provide not more than \$10,000,000 each year of the biennium, if the Indiana Economic Development Corporation makes a written request for the augmentation to the budget agency that includes evidence of an additional demonstrated validated need for the increase in funding and the budget agency approves the augmentation request.**".

Page 46, line 9, delete "8,000,000 8,000,000" and insert "**7,000,000 7,000,000**".

Page 46, between lines 30 and 31, begin a new line blocked left and insert:

"If the Hoosier State Rail Line appropriation is not used because the service ceases, the balance of the appropriation shall be transferred to the public mass transportation fund

**and is appropriated for the department of transportation.
SOUTH SHORE MAINLINE DOUBLE TRACKING
PROJECT**

Total Operating Expense 0 10,000,000".

Page 46, line 32, delete "44,000,000 44,000,000" and insert **"45,000,000 46,000,000".**

Page 56, line 8, delete "48,765,643 48,765,643" and insert **"49,765,643 50,765,643".**

Page 57, between lines 31 and 32, begin a new line blocked left and insert:

"The family and social services administration shall provide additional supplemental funding in the amount of \$42,000 to each center for independent living receiving an appropriation if the center provides sufficient documentation to the family and social services administration that the center is complying with the federally mandated 2014 Workforce Innovation Opportunity Act's fifth core service-Transition/Diversion program."

Page 58, line 25, delete "20,000,000 20,000,000" and insert **"30,000,000 40,000,000".**

Page 61, line 40, delete "34,335 34,335" and insert **"90,000 90,000".**

Page 63, line 13, delete "7,500,000 7,500,000" and insert **"10,000,000 10,000,000".**

Page 63, line 15, delete "90%" and insert **"95%".**

Page 72, line 38, delete "2,500,000 2,500,000" and insert **"2,250,000 2,250,000".**

Page 72, line 43, after "expenses." insert **"The above appropriation includes \$60,000 each state fiscal year for the Center for Evaluation and Education Policy."**

Page 72, delete lines 45 through 49.

Page 73, delete line 1.

Page 73, line 6, delete "13,495,125 13,495,125" and insert **"12,000,000 12,000,000".**

Page 73, line 14, delete "9,681,652 9,681,652" and insert **"8,186,527 8,186,527".**

Page 73, line 30, delete "5,000,000" and insert **"1,000,000".**

Page 74, delete lines 46 through 47, begin a new line and insert:

"DISTRIBUTIONS FOR K-12 EDUCATION TUITION SUPPORT

School Corporations	6,554,790,598	6,637,359,084
Charter Schools	222,453,540	247,507,218
Virtual Charter Schools	76,370,976	79,468,546
Mitch Daniels Scholarship	1,480,000	1,620,000
Choice Scholarship	154,523,028	163,036,928".

Page 75, between lines 4 and 5, begin a new line blocked left and insert:

"The budget agency may transfer appropriations among the foregoing categories if the budget agency determines that the amount needed to fund a particular category will be more than the appropriation for that category and the amount needed to fund other categories will be less than the appropriation for those categories. If the amount needed for all categories exceeds the total amount appropriated for all categories, the total amount to be distributed to each recipient during the remaining months of the state fiscal year shall be proportionately reduced. Notwithstanding IC 20-43-2-3, the reduction shall be made first by proportionately reducing each category that caused the excess until those categories are reduced to the amount of the appropriation for each category. After these categories are reduced, any further reduction that is needed shall be applied to all categories on a pro rata basis so that the total reductions equal the amount of the excess."

Page 75, line 6, before "If" insert **"If the above appropriations for distribution for tuition support are less than required to provide each school corporation, excluding charter schools and virtual charter schools, the same**

amount of total funding in the state fiscal year ending June 30, 2018, and in the state fiscal year ending June 30, 2019, as the school corporation received in the state fiscal year ending June 30, 2017, there is appropriated from excess reserves the amount needed to cover the difference. Excess reserves consist of any unappropriated balance in the state general fund, the reverting accounts within the state general fund, and if necessary, any balance in the Medicaid contingency and reserve account (IC 4-12-1-15.5). If the above appropriations for distribution for tuition support provide distributions to charter schools or virtual charter schools or for choice scholarships in the state fiscal year ending June 30, 2018, or in the state fiscal year ending June 30, 2019, that is greater than the corresponding distributions in the state fiscal year ending June 30, 2017, the distributions to charter schools and virtual charter schools and for choice scholarships shall be reduced for each state fiscal year to the amount distributed to charter schools and virtual charter schools and for choice scholarships in the state fiscal year ending June 30, 2017. The reductions shall be applied on a per student basis."

Page 75, line 49, before "Before" insert **"The above appropriation for curricular material reimbursement shall be augmented from the state general fund to provide distributions to school corporations that equal 100% of the reimbursement amount established by each school corporation."**

Page 76, delete lines 10 through 16, begin a new line blocked left and insert:

"If there is a federal government requirement to conduct testing during the biennium in grades kindergarten through grade 12, the governor may order the budget agency to allot money from the state general fund to pay for the required testing. The amount necessary to make the allotment is appropriated from the state general fund to the budget agency."

Page 76, line 19, delete "12,310,000 12,310,000" and insert **"310,000 310,000".**

Page 76, delete lines 21 through 27, begin a new line blocked left and insert:

"The above appropriations shall be used by the department of education to pay for college and career readiness examinations."

Page 78, between lines 6 and 7, begin a new line and insert: **"PROFESSIONAL DEVELOPMENT PROGRAM FOR EDUCATORS**

Total Operating Expense 5,000,000 5,000,000".

Page 79, line 43, delete "66,328,183 66,328,183" and insert **"55,000,000 55,000,000".**

Page 85, between lines 34 and 35, begin a new line double block indented and insert:

"State Archives Building

**Department of Insurance Fund (IC 27-1-3-28)
20,000,000**

**Postwar Construction Fund (IC 7.1-4-8-1)
5,000,000".**

Page 91, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 38. IC 4-12-1-9, AS AMENDED BY P.L.213-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The budget agency shall assist the budget committee in the preparation of the budget report and the budget bill, using the recommendations and estimates prepared by the budget agency and the information obtained through investigation and presented at hearings. The budget committee shall consider the data, information, recommendations and estimates before it and, to the extent that there is agreement on items, matters and amounts between the budget agency and a majority of the members of the budget committee, the committee shall organize

and assemble a budget report and a budget bill or budget bills. In the event the budget agency and a majority of the members of the budget committee shall differ upon any item, matter, or amount to be included in such report and bills, the recommendation of the budget agency shall be included in the budget bill or bills, and the particular item, matter or amount, and the extent of and reasons for the differences between the budget agency and the budget committee shall be stated fully in the budget report. The budget committee shall submit the budget report and the budget bill or bills to the governor before:

- (1) the second Monday of January in the year immediately following the calendar year in which the budget report and budget bill or bills are prepared, if the budget report and budget bill or bills are prepared in a calendar year other than a calendar year in which a gubernatorial election is held; or
- (2) the third Monday of January, if the budget report and budget bill or bills are prepared in the same calendar year in which a gubernatorial election is held.

The governor shall deliver to the house members of the budget committee such bill or bills for introduction into the house of representatives.

(b) Whenever during the period beginning thirty (30) days prior to a regular session of the general assembly the budget report and budget bill or bills have been completed and printed and are available for distribution, upon the request of a member of the general assembly an informal distribution of one (1) copy of each such document shall be made by the budget committee to such members. During business hours, and as may be otherwise required during sessions of the general assembly, the budget agency shall make available to the members of the general assembly so much as they shall require of its accumulated staff information, analyses and reports concerning the fiscal affairs of the state and the current budget report and budget bill or bills.

(c) The budget report shall include at least the following parts:

- (1) A statement of budget policy, including but not limited to recommendations with reference to the fiscal policy of the state for the coming budget period, and describing the important features of the budget.
- (2) A general budget summary setting forth the aggregate figures of the budget to show the total proposed expenditures and the total anticipated income, and the surplus or deficit.
- (3) The detailed data on actual receipts and expenditures for the previous fiscal year or two (2) fiscal years depending upon the length of the budget period for which the budget bill or bills is proposed, the estimated receipts and expenditures for the current year, and for the ensuing budget period, **the reversions by agency for the previous budget period, including a short narrative explanation of why the amount for each agency is being reverted**, and the anticipated balances at the end of the current fiscal year and the ensuing budget period. Such data shall be supplemented with necessary explanatory schedules and statements, including a statement of any differences between the recommendations of the budget agency and of the budget committee.
- (4) A description of the capital improvement program for the state and an explanation of its relation to the budget.
- (5) The budget bills.
- (6) A list of tax expenditures for individual income tax and corporate income tax under IC 6-3.1 for the previous fiscal year, the current fiscal year, and the ensuing budget period.

(d) The budget report shall cover and include all special and dedicated revenue funds as well as the general revenue fund and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures

therefrom.

(e) The budget agency shall furnish the governor with any further information required concerning the budget, and upon request shall attend hearings of committees of the general assembly on the budget bills.

SECTION 39. IC 4-12-1-19, AS ADDED BY P.L.213-2015, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19. For reporting purposes, the state's combined general fund reserves include the balances of the following:

- (1) The reverting accounts within the general fund (IC 4-8.1-1-3).
- (2) The Medicaid contingency and reserve account (section 15.5 of this chapter).
- (3) The state tuition reserve account (section 15.7 of this chapter).
- (4) The counter-cyclical revenue and economic stabilization fund (IC 4-10-18), less any outstanding loans.
- (5) The secondary reserve fund (section 20 of this chapter).**

SECTION 40. IC 4-12-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 20. (a) The secondary reserve fund is established to recognize the balances in the following funds:**

(1) The healthy Indiana plan trust fund established by IC 12-15-44.2-17.

(2) The public deposit insurance fund (IC 5-13-12-7).

(b) Money in the funds listed in subsection (a)(1) and (a)(2) may be used to prevent a casual deficit only if the balances in all the following funds are depleted:

(1) The reverting accounts within the state general fund (IC 4-8.1-1-3).

(2) The Medicaid contingency and reserve account (section 15.5 of this chapter).

(3) The state tuition reserve account (section 15.7 of this chapter).

(4) The counter-cyclical revenue and economic stabilization fund (IC 4-10-18), less any outstanding loans."

Page 97, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 47. IC 5-20-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 9. Healthy Food Financing Program

Sec. 1. As used in this chapter, "development authority" refers to the Indiana housing and community development authority created by IC 5-20-1-3.

Sec. 2. As used in this chapter, "financing" means:

- (1) loans (including forgivable loans); or
- (2) grants.

Sec. 3. As used in this chapter, "fund" refers to the healthy food financing fund established by section 9 of this chapter.

Sec. 4. As used in this chapter, "grocery store" means a for-profit or nonprofit self-service retail establishment that primarily sells meat, seafood, fruits, vegetables, dairy products, dry groceries, household products, and sundries.

Sec. 5. As used in this chapter, "low income area" means a census tract (as reported in the most recently completed decennial census published by the U.S. Bureau of the Census):

- (1) that has a poverty rate of at least twenty percent (20%); or
- (2) in which the median family income is not more than eighty percent (80%) of the greater of:
 - (A) the median family income in Indiana; or
 - (B) if applicable, the metropolitan median family income.

Sec. 6. As used in this chapter, "moderate income area" means a census tract in which the median family income is more than eighty percent (80%) but not more than ninety-five percent (95%) of the median family income for the area.

Sec. 7. As used in this chapter, "program" refers to the healthy food financing program conducted under section 10 of this chapter.

Sec. 8. As used in this chapter, "underserved community" means a census tract determined to be an area with low supermarket access:

- (1) by the United States Department of Agriculture, as identified in its Food Access Research Atlas; or
- (2) as identified through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.

Sec. 9. (a) The healthy food financing fund is established. The purpose of the fund is to provide financing for projects that increase the availability of fresh and nutritious food in underserved communities, including financing for retailers to open, renovate, or expand grocery stores. The fund shall be administered by the development authority.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations.
- (3) Federal grants or other federal appropriations.
- (4) Interest and other earnings derived from investment of money in the fund.

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

(d) Money in the fund is continuously appropriated for the purposes of this chapter.

(e) Money in the fund must be used, to the extent practicable, to leverage other forms of financing.

(f) At least ten percent (10%) of the money in the fund shall be reserved for administrative and operational costs to manage the program, unless those costs are provided for from other budgets or in-kind resources.

(g) The development authority may not expend annually more than ten percent (10%) of the fund for administrative and operational costs to manage the program.

Sec. 10. The development authority shall conduct, in cooperation with public and private sector partners, a healthy food financing program to provide financing for eligible projects as described in section 12 of this chapter.

Sec. 11. The development authority may contract with one (1) or more qualified nonprofit organizations or community development financial institutions to administer the program through a public-private partnership. The development authority shall establish program guidelines, raise matching funds, promote the program statewide, evaluate applicants, underwrite and disburse grants and loans, and monitor compliance and impact.

Sec. 12. The development authority shall create eligibility guidelines and provide financing through an application process. Projects must be located in an underserved community and primarily serve low income areas and moderate income areas. The following projects are eligible for financing:

- (1) Construction of new grocery stores.
- (2) Grocery store, food bank, or food pantry renovations, expansion, and infrastructure upgrades that improve the availability and quality of fresh produce and other healthy foods.
- (3) Farmers' markets, farm stands and markets, community supported agriculture programs, food cooperatives, mobile markets, and delivery projects and distribution projects that improve the availability and quality of fresh produce and other healthy foods.
- (4) Other projects, including outreach programs, that improve the availability and quality of fresh produce

and other healthy foods.

Sec. 13. An applicant for financing under this chapter may be a for-profit or nonprofit entity, including a sole proprietorship, partnership, limited liability company, corporation, cooperative, nonprofit organization, nonprofit community development entity, university, or government entity. An applicant for financing must:

- (1) demonstrate the capacity to successfully implement the project and the likelihood that the project will be economically self-sustaining;
- (2) demonstrate the ability to repay the debt; and
- (3) agree, for a period of not less than five (5) years, to comply with the following conditions:
 - (A) If applicable, to accept, pending the accessibility of technology, Supplemental Nutrition Assistance Program (SNAP) benefits.
 - (B) If applicable, to accept Special Supplemental Nutrition Program for Women, Infants and Children (WIC) benefits, if approved.
 - (C) If applicable, to allocate at least fifty percent (50%) of food retail space for the sale of perishable foods, which may include fresh or frozen dairy, fresh produce, whole grains, fresh meats, poultry, and fish.
 - (D) To comply with all data collection and reporting requirements established by the development authority.
 - (E) To promote the hiring of local residents.
 - (F) To require that any partner in the implementation of a project under this chapter complies with clauses (A) through (E).

Sec. 14. In determining which qualified projects to finance, the development authority shall consider:

- (1) the level of need in the area to be served;
- (2) the degree to which the project requires an investment of public financing to move forward, create impact, or be competitive;
- (3) the degree to which the project will have a positive economic impact on the underserved community, including by creating or retaining jobs for local residents;
- (4) the degree to which the project will participate in state and local health department initiatives to educate consumers on nutrition and promote healthier eating; and
- (5) other criteria that the development authority determines to be consistent with the purposes of this chapter.

Sec. 15. Financing made available for projects under this chapter may be used for the following purposes:

- (1) Site acquisition and preparation.
- (2) Construction and build-out costs.
- (3) Equipment and furnishings.
- (4) Workforce training or security.
- (5) Predevelopment costs, such as market studies and appraisals.
- (6) Energy efficiency measures.
- (7) Working capital for first time inventory and startup costs.
- (8) Outreach and educational activities.
- (9) Technology infrastructure and software development.

Sec. 16. The development authority shall establish monitoring and accountability mechanisms for projects receiving financing under this chapter and shall submit a report annually to the legislative council on the projects funded, the geographic distribution of the projects, the costs of the program, and the outcomes, including the number and types of jobs created, and the health initiatives associated with the program. The report submitted to the legislative council must be in an electronic format under

IC 5-14-6."

Page 107, delete lines 11 through 31.

Page 108, delete line 47.

Page 109, delete lines 1 through 14.

Page 110, delete lines 31 through 47.

Delete pages 111 through 112.

Page 113, delete lines 1 through 18.

Page 115, delete lines 14 through 47.

Page 116, delete lines 1 through 3.

Page 125, line 5, reset in roman "ninety percent (90%) of".

Page 140, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 151. IC 33-40-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the public defense fund for an amount equal to fifty percent (50%) of the county's expenditures for indigent defense services provided to a defendant against whom the death sentence is sought under IC 35-50-2-9.

(b) A county auditor may submit on a quarterly basis a certified request to the public defender commission for reimbursement from the public defense fund for an amount equal to ~~forty percent (40%)~~ **fifty percent (50%)** of the county's expenditures for indigent defense services provided in all noncapital cases. ~~except misdemeanors.~~

(c) A request under this section from a county described in IC 33-40-7-1(3) may be limited to expenditures for indigent defense services provided by a particular division of a court.

SECTION 152. IC 33-40-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Except as provided under section 6 of this chapter, upon certification by a county auditor and a determination by the public defender commission that the request is in compliance with the guidelines and standards set by the commission, the commission shall quarterly authorize an amount of reimbursement due the county:

(1) that is equal to fifty percent (50%) of the county's certified expenditures for indigent defense services provided for a defendant against whom the death sentence is sought under IC 35-50-2-9; and

(2) that is equal to ~~forty percent (40%)~~ **fifty percent (50%)** of the county's certified expenditures for defense services provided in noncapital cases. ~~except misdemeanors.~~

The division of state court administration shall then certify to the auditor of state the amount of reimbursement owed to a county under this chapter.

(b) Upon receiving certification from the division of state court administration, the auditor of state shall issue a warrant to the treasurer of state for disbursement to the county of the amount certified.

SECTION 153. IC 33-40-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. ~~The commission shall give priority to certified claims for reimbursement in capital cases. If the balance in the public defense fund is not adequate to fully reimburse all certified claims, in noncapital cases, the commission shall prorate reimbursement of certified claims in noncapital cases. there is appropriated from the state general fund the amount necessary to provide reimbursements for all certified claims.~~

SECTION 154. IC 33-40-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) A county public defender board shall submit a written request for reimbursement to the county auditor. The request must set forth the total of the county's expenditures for indigent defense services to the county auditor and may be limited in a county described in section 1(3) of this chapter to expenditures for indigent defense services provided by a particular division of a court. The county auditor shall review the request and certify the total of the county's expenditures for indigent defense services

to the Indiana public defender commission.

(b) Upon certification by the Indiana public defender commission that the county's indigent defense services meet the commission's standards, the auditor of state shall issue a warrant to the treasurer of state for disbursement to the county of a sum equal to ~~forty percent (40%)~~ **fifty percent (50%)** of the county's certified expenditures for indigent defense services provided in noncapital cases. ~~except misdemeanors.~~

(c) If a county's indigent defense services fail to meet the standards adopted by the Indiana public defender commission, the public defender commission shall notify the county public defender board and the county fiscal body of the failure to comply with the Indiana public defender commission's standards. Unless the county public defender board corrects the deficiencies to comply with the standards not more than ninety (90) days after the date of the notice, the county's eligibility for reimbursement from the public defense fund terminates at the close of that fiscal year."

Page 143, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 159. [EFFECTIVE JULY 1, 2017] **(a) There is appropriated to the Indiana housing and community development authority for deposit in the healthy food financing fund established by IC 5-20-9-9, as added by this act:**

(1) for the state fiscal year beginning July 1, 2017, and ending June 30, 2018, two million five hundred thousand dollars (\$2,500,000); and

(2) for the state fiscal year beginning July 1, 2018, and ending June 30, 2019, two million five hundred thousand dollars (\$2,500,000);

from the tobacco master settlement agreement fund (IC 4-12-1-14.3).

(b) This SECTION expires June 30, 2019.

SECTION 160. [EFFECTIVE JULY 1, 2017] **(a) There is appropriated to the Indiana state board of animal health (IC 15-17-3-1) five hundred thousand dollars (\$500,000) for the biennium to provide spaying and neutering services for companion animals.**

(b) This SECTION expires June 30, 2019."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

PORTER

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 210: yeas 30, nays 66. Motion failed.

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

HOUSE MOTION
(Amendment 1001-10)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 111, delete lines 46 through 47.

Page 112, delete lines 1 through 22, begin a new paragraph and insert:

"SECTION 81. IC 8-14-15-8, AS AMENDED BY P.L.35-2012, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The ~~trustee~~ **trustee treasurer of state** shall:

(1) administer and manage the trust;

(2) invest the money in the trust **at the direction of the trustee;** and

(3) deposit in the trust any interest that accrues from the investment of these funds.

(b) Notwithstanding IC 5-13, the ~~trustee~~ **trustee treasurer of state** shall invest the money in the trust not currently needed to meet the obligations of the trust in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. However, the trustee may not invest the money in

the trust in equity securities. The trustee shall also comply with the prudent investor rule set forth in IC 30-4-3.5. The trustee may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the trust and may pay the state expenses incurred under those contracts from the trust.

(c) IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to a trust established under this chapter.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 211: yeas 28, nays 65. Motion failed.

HOUSE MOTION
(Amendment 1001-4)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 122, delete lines 3 through 47.

Delete page 123.

Page 124, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

VANNATTER

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1001-4. Pursuant to House Rule 168, the reason for the request is the following:

My employer is directly affected by long term care regulations. I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety.

PORTER

Motion prevailed.

Upon request of Representatives Morris and Davisson, the Speaker ordered the roll of the House to be called. Roll Call 212: yeas 43, nays 48. Motion failed.

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

HOUSE MOTION
(Amendment 1001-17)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 125, line 5, reset in roman "ninety percent (90%) of".

(Reference is to HB 1001 as printed February 20, 2017.)

DELANEY

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 213: yeas 27, nays 65. Motion failed.

Representatives Morrison and Harris, who had been present, are now excused.

HOUSE MOTION
(Amendment 1001-7)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 76, delete lines 10 through 17.

(Reference is to HB 1001 as printed February 20, 2017.)

DELANEY

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 214: yeas 29, nays 62. Motion failed.

Representatives Morrison and Harris who had been excused, are now present.

HOUSE MOTION
(Amendment 1001-15)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 74, line 47, delete "7,011,000,000 7,130,000,000" and insert "**7,147,444,636 7,184,356,740**".

Page 131, line 12, delete "Five thousand three hundred twenty-five dollars (\$5,325)" and insert "**Five thousand two hundred forty-six dollars (\$5,246)**".

Page 137, delete lines 21 through 22, begin a new line double block indented and insert:

"(B) the following:

(i) Four thousand one hundred eighty-two dollars (\$4,182) for the state fiscal year beginning July 1, 2017.

(ii) Four thousand one hundred seventy-eight dollars (\$4,178) for the state fiscal year beginning July 1, 2018."

(Reference is to HB 1001 as printed February 20, 2017.)

DELANEY

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 215: yeas 30, nays 63. Motion failed.

Representatives Soliday and Pressel who had been excused, are now present.

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

HOUSE MOTION
(Amendment 1001-16)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 143, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 160. [EFFECTIVE JULY 1, 2017] (a) There is appropriated to the Indiana archives and records administration twenty-seven million five hundred thousand dollars (\$27,500,000) from the state general fund for its use in acquiring, constructing, reconstructing, renovating, leasing, or equipping a state archives building, the land on which the building is located, and associated appurtenances beginning July 1, 2017, and ending June 30, 2019.

(b) This SECTION expires July 1, 2019."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

PIERCE

Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 1001-18)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 143, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 159. [EFFECTIVE JULY 1, 2017] (a) There is appropriated for the Indiana state board of animal health

(IC 15-17-3-1) five hundred thousand dollars (\$500,000) for the biennium to provide spaying and neutering services for companion animals.

(b) This SECTION expires June 30, 2019."

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 20, 2017.)

LAWSON

Motion failed.

Representative V. Smith, who had been present, is now excused.

HOUSE MOTION
(Amendment 1001-13)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 143, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 161. [EFFECTIVE JULY 1, 2017] **(a) There is appropriated to the Indiana department of administration from the state general fund an amount sufficient for its use in repairing or replacing the elevators in the statehouse beginning July 1, 2017, and ending June 30, 2019.**

(b) For each elevator in the statehouse, the Indiana department of administration shall determine whether it is advisable to repair or replace the elevator and proceed accordingly.

(c) This SECTION expires July 1, 2019."

Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 20, 2017.)

BARTLETT

Upon request of Representatives Wesco and Karickhoff, the Speaker ordered the roll of the House to be called. Roll Call 216: yeas 17, yeas 76. Motion failed.

Representative Culver who had been present, is now excused.

HOUSE MOTION
(Amendment 1001-6)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 96, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 46. IC 5-10-8-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 19. (a) As used in this section, "covered individual" means an individual entitled to coverage under a state employee health plan.**

(b) As used in this section, "ectodermal dysplasia" means a congenital genetic disorder that is characterized by malformed or absent teeth.

(c) As used in this section, "state employee health plan" refers to the following that provide coverage for a covered individual:

(1) A self-insurance program established under section 7(b) of this chapter.

(2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

The term includes a person that administers benefits on behalf of a state employee health plan.

(d) A state employee health plan must provide coverage for inpatient and outpatient dental, orthodontic, and prosthodontic services, including dentures, implants, and crowns, for the treatment of ectodermal dysplasia that are:

(1) determined by the insured's physician to be medically necessary to restore or maintain the insured's ability to perform activities of daily living; and

(2) prescribed by a covered individual's treating physician.

(e) The coverage required under subsection (d) may not

be subject to annual dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to a covered individual than the dollar limits, deductibles, copayments, or coinsurance provisions that apply to physical illness generally under the state employee health plan.

(f) The coverage required under subsection (d) may not be subject to any lifetime dollar limits, coinsurance, or deductibles.

(g) This section applies to coverage under a state employee health plan that is issued, delivered, amended, or renewed after December 31, 2017."

Page 139, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 150. IC 27-8-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 24.5. Coverage for Treatment for Ectodermal Dysplasia

Sec. 1. This chapter applies to an accident and sickness insurance policy that is issued, delivered, amended, or renewed after December 31, 2017.

Sec. 2. (a) As used in this chapter, "accident and sickness insurance policy" means an insurance policy that provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a), and is issued on a group basis.

(b) The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy.

(6) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(7) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(8) A supplemental plan that always pays in addition to other coverage.

(9) A student health plan.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

Sec. 3. As used in this chapter, "covered individual" means an individual who is entitled to coverage under an accident and sickness insurance policy.

Sec. 4. As used in this chapter, "ectodermal dysplasia" means a congenital genetic disorder that is characterized by malformed or absent teeth.

Sec. 5. (a) An accident and sickness insurance policy must provide coverage for inpatient and outpatient dental, orthodontic, and prosthodontic services, including dentures, implants, and crowns, for the treatment of ectodermal dysplasia that are:

(1) determined by the insured's physician to be medically necessary to restore or maintain the insured's ability to perform activities of daily living; and

(2) prescribed by a covered individual's treating physician.

(b) The coverage under this section must include repairs

and replacements.

Sec. 6. (a) The coverage that must be provided under this chapter may not be subject to any annual dollar limits, coinsurance, or deductibles that are less favorable to a covered individual than the annual dollar limits, coinsurance, or deductibles that apply to coverage generally under the accident and sickness insurance policy.

(b) The coverage that must be provided under this chapter may not be subject to any lifetime dollar limits, coinsurance, or deductibles.

SECTION 151. IC 27-13-7-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 24. (a) As used in this section, "ectodermal dysplasia" means a congenital genetic disorder that is characterized by malformed or absent teeth.

(b) Except as provided in subsection (e), a health maintenance organization issued a certificate of authority in Indiana shall provide coverage for inpatient and outpatient dental, orthodontic, and prosthodontic services, including dentures, implants, and crowns, for the treatment of ectodermal dysplasia that are:

(1) determined by the insured's physician to be medically necessary to restore or maintain the insured's ability to perform activities of daily living; and

(2) prescribed by a covered individual's treating physician;

as a covered service under every group contract that provides coverage for basic health care services. The coverage under this subsection must include repairs and replacements.

(c) The services required under subsection (b) may not be subject to annual dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to an enrollee than the dollar limits, deductibles, copayments, or coinsurance provisions that apply to physical illness generally under the contract with the health maintenance organization.

(d) The services required under subsection (b) may not be subject to any lifetime dollar limits, coinsurance, or deductibles.

(e) In the case of coverage that is not employer based, the health maintenance organization is required only to offer to provide the ectodermal dysplasia coverage described in subsections (b) through (d) as a covered service under a proposed group contract providing coverage for basic health care services.

(f) This section applies to an individual contract or a group contract issued, delivered, amended, or renewed after December 31, 2017."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 20, 2017.)

CANDELARIA REARDON

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 217: yeas 33, nays 59. Motion failed. The bill was ordered engrossed.

House Bill 1008

Representative Huston called down House Bill 1008 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1008-3)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

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

"SECTION 1. IC 6-3.1-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2018]:

Chapter 35. Workforce Training Tax Credit

Sec. 1. This chapter applies to an eligible employer that employs not more than two hundred fifty (250) employees.

Sec. 2. As used in this chapter, "approved program" means a training program approved by the department of workforce development.

Sec. 3. As used in this chapter, "department of workforce development" means the department of workforce development established by IC 22-4.1-2-1.

Sec. 4. As used in this chapter, "eligible employer" means an employer that has at least one (1) employee and is legally doing business in Indiana.

Sec. 5. As used in this chapter, "pass through entity" means:

- (1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) a partnership;
- (3) a trust;
- (4) a limited liability company; or
- (5) a limited liability partnership.

Sec. 6. As used in this chapter, "state provider" means any of the following:

- (1) A state agency (as defined by IC 4-13-1-1(b)).
- (2) A state educational institution (as defined by IC 21-7-13-32).
- (3) A school corporation (as defined by IC 20-18-2-16(a)), including a charter school (as defined by IC 20-24-1-4).
- (4) A body corporate and politic created by statute.

Sec. 7. As used in this chapter, "state tax liability" means the taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax);
- (2) IC 6-5.5 (the financial institutions tax); and
- (3) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided under this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that has state tax liability.

Sec. 9. (a) As used in this chapter, "training expenses" means any of the following:

- (1) An eligible employer's labor costs for employee time spent in:
 - (A) the receipt of instruction in an approved program;
 - (B) preparing for the receipt of instruction in an approved program; and
 - (C) other activities included in or related to the delivery of instruction in an approved program.
- (2) Tuition paid by an eligible employer to a training provider conducting an approved program for an eligible employer.
- (3) Facility costs paid by an eligible employer in providing an approved program.
- (4) The cost of equipment:
 - (A) paid for by an eligible employer in providing an approved program; and
 - (B) not claimed as a charitable contribution by the eligible employer.
- (5) Transportation costs paid by an eligible employer for a participant in an approved program to travel to and from the facility where the approved program is provided and the participant's workplace.

(b) The term does not include the following costs incurred by an eligible employer as the result of a participant who completes an approved program:

- (1) Additional compensation earned by an incumbent employee.
- (2) The compensation package earned by a new

full-time employee.

Sec. 10. As used in this chapter, "training program" means a cooperative arrangement between an eligible employer and a training provider.

Sec. 11. As used in this chapter, "training provider" means any of the following:

(1) A state educational institution (as defined by IC 21-7-13-32).

(2) A postsecondary proprietary educational institution (as defined by IC 22-4.1-21-9).

(3) A career and technical education provider established by a governing body (as defined by IC 20-18-2-5) under IC 20-37.

Sec. 12. As used in this chapter, "workforce related program" has the meaning set forth in IC 22-4.1-1-7.

Sec. 13. The department of workforce development shall do the following:

(1) Evaluate a taxpayer's training program for the taxpayer's eligibility for a tax credit under this chapter.

(2) Certify the eligibility of taxpayers that meet the requirements for a tax credit under this chapter.

(3) Certify the information required under section 14 of this chapter.

Sec. 14. (a) A taxpayer is entitled to a credit against the taxpayer's state tax for the taxable year in which the training expenses are incurred, if the following conditions, as certified by the department of workforce development, are satisfied:

(1) The taxpayer is an eligible employer.

(2) The taxpayer offers a training program.

(3) The taxpayer incurs training expenses.

(4) The training program provides one (1) of the following outcomes to at least one (1) participant completing the training program:

(A) A participant who is an incumbent employee receives:

(i) an industry level certification; and

(ii) additional compensation from the eligible employer equal to at least five percent (5%) of the incumbent employee's compensation before the beginning of the training program.

(B) A participant who is not an incumbent employee receives full-time employment with the eligible employer in a high wage, high demand job, as defined in the department's labor market report described in IC 22-4.1-4-9.

(b) The credit allowed under subsection (a) is equal to the amount determined under section 15 of this chapter.

Sec. 15. (a) Subject to subsections (b) and (c), the amount of the credit to which the taxpayer is entitled under section 14 of this chapter is the lesser of:

(1) fifty percent (50%) of the amount of the taxpayer's training expenses in the taxable year; or

(2) twenty-five thousand dollars (\$25,000).

(b) Whenever a taxpayer sends an incumbent employee to an existing training program, the maximum amount of the credit to which the taxpayer is entitled for the training is two thousand five hundred dollars (\$2,500) per employee.

(c) The credit to which a taxpayer is entitled under subsection (a) may not reduce the taxpayer's state tax liability below the amount of the taxpayer's state tax liability in the taxable year immediately preceding the taxable year in which the taxpayer first incurred training expenses.

Sec. 16. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department the department of workforce development's certification of the following information:

(1) Proof of the taxpayer's training expenses.

(2) Proof of the outcomes described in section 14(a)(4) of this chapter for at least one (1) participant completing a training program offered by the taxpayer.

(3) All other information that the department of workforce development determines is necessary to calculate the credit provided by this chapter.

Sec. 17. (a) For the calendar year that begins after December 31, 2017, the total amount of tax credits that may be awarded under this chapter is determined in STEP TWO of the following formula:

STEP ONE: Determine the difference between:

(i) the fiscal year 2017 state expenditures; and

(ii) the fiscal year 2018 appropriations included in the state budget enacted during the 2017 session of the general assembly;

for each state provider that operates a workforce related program.

STEP TWO: Determine the sum of the STEP ONE results.

(b) For the calendar year that begins after December 31, 2018, the total amount of tax credits that may be awarded under this chapter is determined in STEP TWO of the following formula:

STEP ONE: Determine the difference between:

(i) the fiscal year 2017 state expenditures; and

(ii) the fiscal year 2019 appropriations included in the state budget enacted during the 2017 session of the general assembly;

for each state provider that operates a workforce related program.

STEP TWO: Determine the sum of the STEP ONE results.

(c) The department shall record the time of filing of each application of a tax credit under this chapter for a particular calendar year and shall approve the applications, if they otherwise qualify for a tax credit under this chapter, in chronological order in which the applications are filed. When the total amount of tax credit approved equals the maximum amount allowable in a calendar year under subsection (a) or (b), no application filed thereafter for the same calendar year may be approved. The department may, if the applicant requests, approve a tax credit application, in whole or in part, for the next succeeding calendar year.

Sec. 18. (a) If the credit provided by this chapter exceeds the taxpayer's state tax liability for the taxable year for which the credit is first claimed, the excess may be carried forward to succeeding taxable years and used as a credit against the taxpayer's state tax liability during those taxable years. Each time that the credit is carried forward to a succeeding taxable year, the credit is to be reduced by the amount that was used as a credit during the immediately preceding taxable year. The credit provided by this chapter may be carried forward and applied to succeeding taxable years for nine (9) consecutive taxable years following the unused credit year.

(b) A taxpayer is not entitled to any carryback or refund of any unused credit.

Sec. 19. If a pass through entity is entitled to a credit under section 14 of this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

Sec. 20. This chapter expires December 31, 2020."

Renumber all SECTIONS consecutively.
(Reference is to HB 1008 as printed February 21, 2017.)
AUSTIN

Motion failed. The bill was ordered engrossed.

House Bill 1128

Representative Bacon called down House Bill 1128 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1128-1)

Mr. Speaker: I move that House Bill 1128 be amended to read as follows:

Page 9, line 29, strike "not later than".

Page 9, line 32, delete "the tenth day of each month following" and insert "**within thirty (30) days after**".

(Reference is to HB 1128 as printed February 21, 2017.)
ERRINGTON

Motion prevailed.

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

HOUSE MOTION
(Amendment 1128-3)

Mr. Speaker: I move that House Bill 1128 be amended to read as follows:

Page 3, delete lines 11 through 42.

Delete pages 4 through 6.

Page 7, delete lines 1 through 30.

Renumber all SECTIONS consecutively.

(Reference is to HB 1128 as printed February 21, 2017.)
AUSTIN

Upon request of Representatives Lawson and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 218: yeas 33, nays 55. Motion failed.

HOUSE MOTION
(Amendment 1128-6)

Mr. Speaker: I move that House Bill 1128 be amended to read as follows:

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

"SECTION 1. IC 16-18-2-1.5, AS AMENDED BY P.L.213-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. (a) "Abortion clinic", for purposes of IC 16-19-3-31, IC 16-21-2, **IC 16-34-2**, IC 16-34-3, and IC 16-41-16, means a health care provider (as defined in section 163(d)(1) of this chapter) that:

(1) performs surgical abortion procedures; or

(2) beginning January 1, 2014, provides an abortion inducing drug for the purpose of inducing an abortion.

(b) The term does not include the following:

(1) A hospital that is licensed as a hospital under IC 16-21-2.

(2) An ambulatory outpatient surgical center that is licensed as an ambulatory outpatient surgical center under IC 16-21-2.

(3) A health care provider that provides, prescribes, administers, or dispenses an abortion inducing drug to fewer than five (5) patients per year for the purposes of inducing an abortion.

SECTION 2. IC 16-18-2-36.5, AS AMENDED BY P.L.138-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 36.5. (a) "Birthing center", for purposes of IC 16-21-2, ~~and~~ IC 16-21-11.2, ~~and~~ **IC 16-34-2-9**, means a freestanding entity that has the sole purpose of delivering a normal or uncomplicated pregnancy.

(b) The term does not include a hospital that is licensed as a hospital under IC 16-21-2."

Page 11, after line 1, begin a new paragraph and insert:

"SECTION 7. IC 16-34-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) This section applies to a person who is employed by:

(1) the state department;

(2) a birthing center;

(3) a hospital that is licensed under IC 16-21-2; or

(4) an abortion clinic.

(b) A person described in subsection (a) shall not release to another person any patient or employee information of a birthing center, hospital, or abortion clinic that is confidential under:

(1) the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191);

(2) Indiana law; or

(3) rules adopted by the state department.

(c) Except as provided in subsection (d), a patient or employee has a private right of action for damages against a person who releases the patient's or employee's confidential information under subsection (b).

(d) There is no private right of action under subsection (c) if:

(1) the patient or employee authorized the release of the confidential information described in subsection (b); or

(2) the release of the confidential information described in subsection (b) is required or expressly authorized by law or court order."

Renumber all SECTIONS consecutively.

(Reference is to HB 1128 as printed February 21, 2017.)
AUSTIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1489

Representative T. Brown called down House Bill 1489 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1493

Representative T. Brown called down House Bill 1493 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1493-1)

Mr. Speaker: I move that House Bill 1493 be amended to read as follows:

Page 3, line 2, delete "June 30, 2022." and insert "**December 31, 2019**".

Page 4, delete lines 34 through 42.

Page 5, delete lines 1 through 17.

Page 5, line 33, after "in" insert "**an**".

Page 6, delete lines 9 through 42.

Delete pages 7 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1493 as printed February 21, 2017.)
T. BROWN

Motion prevailed. The bill was ordered engrossed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 148.4 be suspended.

TORR

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

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1144

Representative Slager called down Engrossed House Bill 1144 for third reading:

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

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

Roll Call 219: yeas 84, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senate Sponsors Niemeyer, Hershman and Tallian

Engrossed House Bill 1245

Representative Karickhoff called down Engrossed House Bill 1245 for third reading:

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

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

Roll Call 220: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Koch.

Representative Wolkins who had been present, is now excused.

Engrossed House Bill 1383

Representative Behning called down Engrossed House Bill 1383 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 221: yeas 88, 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. Senate sponsors: Senators Kruse and Raatz.

Engrossed House Bill 1384

Representative Behning called down Engrossed House Bill 1384 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 222: yeas 60, nays 32. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz and Kruse.

Engrossed House Bill 1511

Representative Braun called down Engrossed House Bill 1511 for third reading:

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

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

Roll Call 223: yeas 91, nays 0. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and Ford.

Engrossed House Bill 1540

Representative Davison called down Engrossed House Bill 1540 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 224: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senator Grooms, Charbonneau and Glick.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On February 23, 2017, I signed into law House Enrolled Acts 1230 and 1507.

ERIC HOLCOMB
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1008.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Heine, Braun, Harris, Cherry, Sullivan, Mayfield, Negele, Olthoff, Pressel, Soliday, Pelath and Moseley be added as coauthors of House Bill 1144.

SLAGER

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

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1317.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kirchhofer, Shackelford and Moed be added as coauthors of House Bill 1441.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Engleman, Pressel, Miller, Carbaugh, Cherry, J. Young and Huston be added as coauthors of House Bill 1470.

OBER

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

prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be removed as coauthor of House Bill 1489.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Gutwein and Goodin be added as coauthors of House Bill 1494.

WOLKINS

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 15, 59, 62, 63, 233, 298, 310, 367, 440, 455, 466, 475, 496, 500, 501, 506, 507 and 558 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 11 and 22 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative Dvorak, the House adjourned at 5:09 p.m., this twenty-third day of February, 2017, until Monday, February 27, 2017, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives