



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Seventeenth Day

Thursday Morning

February 9, 2017

The invocation was offered by Pastor Nathan Scroggins, of Harvest Bible Chapel in Granger, a guest of Representative DeVon.

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

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

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
Braun	May
C. Brown	Mayfield
T. Brown	McNamara
Burton	Miller
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Culver	Nisly
Davisson <input type="checkbox"/>	Ober
DeLaney	Olthoff
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Ellington	Pressel <input type="checkbox"/>
Engleman	Pryor
Errington	Richardson <input type="checkbox"/>
Forestal	Saunders
Friend	Schaibley
Frizzell	Shackelford
Frye	Siegrist
GiaQuinta	Slager
Goodin	Smaltz
Gutwein	M. Smith
Hamilton	V. Smith
Hamm	Soliday
Harris	Speedy
Hatfield	Stemler <input type="checkbox"/>
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 84: 95 present; 5 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 13, 2017, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

The House recessed for remarks by U.S. Congressman Larry Bucshon - House District 8.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 12

The Speaker handed down Senate Concurrent Resolution 12, sponsored by Representative Behning:

A CONCURRENT RESOLUTION recommending that all school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks and take proactive measures to avoid injury.

Whereas, Overloaded school backpacks are causing an increasing problem of back pain and spinal strain for students across the nation;

Whereas, Because spinal ligaments and muscles are not fully developed until after age sixteen, overweight backpacks are a source of repeated low-level stress that may result in chronic neck, shoulder, or back pain in children;

Whereas, According to the U.S. Consumer Product Safety Commission, more than 7,000 emergency room visits each year are due to backpack-related injuries;

Whereas, In 2010 alone, physicians' offices, clinics, and hospital emergency rooms treated nearly 28,000 strains, sprains, dislocations, and fractures from backpacks;

Whereas, Studies have shown heavy loads carried on the back have the potential to damage the soft tissues of the shoulder, causing microstructural damage to the nerves and damage to internal organs;

Whereas, Studies have shown an increase in curvatures of the spine and compressed intervertebral height when backpacks exceed ten percent of a child's body weight;

Whereas, The Global Burden of Disease Study of 2010 showed back pain as the number one cause of disability worldwide and musculoskeletal disorders as the second cause;

Whereas, Children's textbooks are much heavier now than many years ago, and in addition to textbooks, students often carry computers, cell phones, water bottles, running shoes,

band instruments, and other equipment considered essential to have readily available;

Whereas, More than ninety percent of students carry backpacks, which in studies have been found to weigh as much as twenty-five percent of the child's body weight;

Whereas, Backpacks are often not worn correctly - often slung over one shoulder or allowed to hang significantly below the waistline, increasing the weight on the shoulders and making the child lean forward when walking or stoop forward when standing to compensate for the weight;

Whereas, The Indiana General Assembly urges that Doctors of Chiropractic be permitted to conduct mandatory interval scoliosis examinations on children;

Whereas, It is fitting that the Indiana General Assembly strongly recommends that all school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks and take proactive measures to avoid injury: Therefore,

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

SECTION 1. That the Indiana General Assembly strongly recommends that all school administrators, teachers, parents, and students be educated about the potential health impact of heavy backpacks and take proactive measures to avoid injury.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Jennifer McCormick, Indiana Superintendent of Public Instruction.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 17

Representatives Frye, Macer, McNamara and Cook introduced House Resolution 17:

A HOUSE RESOLUTION recognizing the great value of career and technical education.

Whereas, February 5 through 11, 2017, has been designated SkillsUSA Week by the Association for Career and Technical Education;

Whereas, Career and technical education provides Hoosiers with school to career connections and is the backbone of a strong, well educated workforce, which fosters productivity in business and industry, and contributes to Indiana's position in the international marketplace;

Whereas, Career and technical education offers high school and postsecondary students opportunities to learn lifelong skills through practical and meaningful experiences in fields such as reading, writing, and mathematics, thus improving the quality of their education and providing them with career choices in their fields and in their communities; and

Whereas, The Indiana Works Councils recognize the importance of career and technical education in developing a robust pipeline of skilled talent and recommend preparing Indiana's youth for postsecondary education and career success through the expansion of quality dual enrollment and work based learning opportunities that lead to industry certifications in high demand for career fields forecast to experience the largest and fastest growth: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the importance of career and technical education to the citizens of our state and urges our educators to prepare our

youth for postsecondary education and career success through the expansion of quality dual enrollment and work based learning opportunities that lead to industry certifications in high demand career fields.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Association for Career and Technical Education.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, strike lines 27 through 29.

Page 3, line 30, strike "vehicle highway account".

Page 3, line 30, strike "(IC 8-14-1)".

Page 3, strike lines 31 through 32.

Page 3, line 33, strike "road and bridge matching grant fund".

Page 3, strike lines 34 through 36.

Page 3, line 37, strike "(3) For state fiscal year 2019,".

Page 3, line 37, strike "the following:".

Page 3, strike lines 38 through 39.

Page 3, line 40, strike "vehicle highway account".

Page 3, line 40, strike "(IC 8-14-1)".

Page 3, strike lines 41 through 42.

Page 4, line 1, strike "local road and bridge matching grant fund".

Page 4, strike line 2.

Page 4, delete lines 3 through 5.

Page 4, line 6, delete "(D)".

Page 4, line 7, delete "Twenty-eight and five hundred".

Page 4, delete line 8.

Page 4, line 9, delete "deposited in".

Page 4, line 9, strike "the state general fund.".

Page 4, delete lines 10 through 22.

Page 4, line 23, delete "(5)" and insert "(2)".

Page 4, line 23, delete "2021" and insert "2018".

Page 42, line 14, delete "under the" and insert "**for a registration issued through an Indiana based**".

Page 42, line 15, after "Plan" insert "**account**".

Page 42, line 36, delete "under the" and insert "**for a registration issued through an Indiana based**".

Page 42, line 37, after "Plan" insert "**account**".

Page 43, line 16, delete "Plan." and insert "**Plan or through an Indiana based International Registration Plan account**".

Page 43, line 17, delete "the International Registration Plan" and insert "**subsection (b)**".

Page 44, line 33, delete "registration fee" and insert "**transportation infrastructure improvement fee under section 2 of this chapter**".

Page 44, line 34, delete "that is base registered" and insert "**for which a registration fee is paid**".

(Reference is to HB 1002 as printed January 27, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 9.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill do pass.

(Reference is to HB 1064 as introduced.)

Committee Vote: Yeas 10, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 42.

Delete page 3.

(Reference is to HB 1137 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1174 as introduced.)

Committee Vote: Yeas 13, Nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1209, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1209 as introduced.)

Committee Vote: Yeas 9, Nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1218, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, strike lines 11 through 12.

Page 1, line 13, strike "(4)" and insert "(3)".

Page 1, line 15, strike "(5)" and insert "(4)".

Page 1, line 17, strike "(6)" and insert "(5)".

Page 2, line 2, strike "(7)" and insert "(6)".

Page 2, line 6, strike "(8)" and insert "(7)".

Page 2, line 9, strike "(9)" and insert "(8)".

Page 2, line 12, delete "(10)" and insert "(9)".

Page 2, line 14, delete "(11)" and insert "(10)".

Page 2, line 18, delete "(12)" and insert "(11)".

Page 2, line 22, delete "(13)" and insert "(12)".

Page 2, line 39, strike "(a)(7)," and insert "(a)(6)."

Page 2, line 39, delete "(a)(10)," and insert "(a)(9)."

Page 2, line 39, delete "(a)(13)(A)" and insert "(a)(12)(A)".

Page 6, after line 17, begin a new paragraph and insert:

"SECTION 3. IC 31-30-2-1, AS AMENDED BY P.L.48-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Except as provided in subsections (b), ~~and~~ (c), **and (h)**, the juvenile court's jurisdiction over a delinquent child or a child in need of services

and over the child's parent, guardian, or custodian continues until:

- (1) the child becomes twenty-one (21) years of age, unless the court discharges the child and the child's parent, guardian, or custodian at an earlier time; or
- (2) guardianship of the child is awarded to the department of correction.

(b) The juvenile court may, on its own motion, after guardianship of a child is awarded to the department of correction, reinstate the court's jurisdiction for the purpose of ordering the child's parent, guardian, or custodian to participate in programs operated by or through the department of correction.

(c) The juvenile court's jurisdiction over a parent or guardian of the estate of a child under this section continues until the parent or guardian of the estate has satisfied the financial obligation of the parent or guardian of the estate that is imposed under IC 31-40 (or IC 31-6-4-18 before its repeal).

(d) Except as provided in subsection (g), the jurisdiction of the juvenile court over a proceeding described in IC 31-30-1-1(10) for a guardianship of the person continues until the earlier of the date that:

- (1) the juvenile court terminates the guardianship of the person; or
- (2) the child becomes:

(A) nineteen (19) years of age, if a child who is at least eighteen (18) years of age is a full-time student in a secondary school or the equivalent level of vocational or career and technical education; or

(B) eighteen (18) years of age, if clause (A) does not apply.

If the guardianship of the person continues after the child becomes the age specified in subdivision (2), the juvenile court shall transfer the guardianship of the person proceedings to a court having probate jurisdiction in the county in which the guardian of the person resides. If the juvenile court has both juvenile and probate jurisdiction, the juvenile court may transfer the guardianship of the person proceedings to the probate docket of the court.

(e) The jurisdiction of the juvenile court to enter, modify, or enforce a support order under IC 31-40-1-5 continues during the time that the court retains jurisdiction over a guardianship of the person proceeding described in IC 31-30-1-1(10).

(f) At any time, a juvenile court may, with the consent of a probate court, transfer to the probate court guardianship of the person proceedings and any related support order initiated in the juvenile court.

(g) A juvenile court may retain jurisdiction over an older youth, as defined in IC 31-28-5.8-4, who is a recipient or beneficiary of:

- (1) kinship guardianship assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 673), as amended; or
- (2) other financial assistance provided to or for the benefit of a child who:

(A) was previously adjudicated as a child in need of services or delinquent child;

(B) is a protected person under a legal guardianship if IC 29-3-8-9(f) applies; and

(C) is approved for assistance under a rule or published policy of the department.

(h) Upon receipt of a motion under IC 31-37-22-11, the juvenile court may reinstate its jurisdiction to conduct a hearing and issue an appropriate order in accordance with IC 31-37-22-11.

SECTION 4. IC 31-37-22-1, AS AMENDED BY P.L.146-2008, SECTION 659, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. **(a)** While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's parent, guardian, custodian, or guardian ad litem;
 - (C) the probation officer; or
 - (D) the prosecuting attorney; or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

(b) Upon receipt of a motion under section 11 of this chapter, the juvenile court may reinstate its jurisdiction to conduct a hearing and issue an appropriate order in accordance with section 11 of this chapter.

SECTION 5. IC 31-37-22-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 11. (a) As used in this section, "trafficked child" means a child who was the victim of human trafficking (IC 35-42-3.5) or a substantially similar offense committed in another jurisdiction, regardless of whether the person who committed the human trafficking offense was charged, tried, or convicted. The term includes a person who is now an adult.**

(b) Upon the written motion of a trafficked child, or any person acting on behalf of a trafficked child, the court that adjudicated the trafficked child a delinquent child shall vacate the adjudication issued with respect to the trafficked child, if the movant proves by a preponderance of the evidence that the child was a trafficked child at the time the child performed the delinquent act that resulted in the adjudication and the delinquent act was a result of human trafficking.

(c) Before vacating an adjudication under subsection (b), the court shall:

- (1) forward a copy of the motion to the prosecuting attorney; and**
- (2) conduct a hearing at which the prosecuting attorney and the movant are entitled to be heard.**

SECTION 6. IC 31-39-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1.5. The juvenile court in the county of the original action has exclusive original jurisdiction over petitions to expunge records of a child alleged to be a delinquent child or a child in need of services.**

SECTION 7. IC 31-39-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2. (a) Any person may petition a juvenile court at any time to remove from:**

- (1) the court's files;
- (2) the files of law enforcement agencies; and
- (3) the files of any other person who has provided services to a child under a court order;

those records pertaining to the person's involvement in juvenile court proceedings.

(b) Under this section, electronic records shall be removed to a separate secure data base to which the public or another person not having legal or statutory authority to access the records is not granted access to the data base.

SECTION 8. IC 31-39-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 3. (a) A person may initiate a petition for the expungement of records of a child alleged to be a delinquent child or a child in need of services by filing a verified petition in the juvenile court in the county of the original action. The petition must set forth the following:**

- (1) The allegations and date of adjudication, if applicable, of the juvenile delinquency or child in need of services adjudications.**
- (2) The court in which juvenile delinquency or child in need of services allegations or petitions were filed.**
- (3) The law enforcement agency that employs the**

charging officer, if known.

(4) The case number or court cause number.

(5) Date of birth of the petitioner.

(6) Petitioner's Social Security number.

(7) All juvenile delinquency or child in need of services adjudications and criminal convictions occurring after the adjudication of the action sought to be expunged.

(8) All pending actions under IC 31-34 or IC 31-37 or criminal charges.

(b) A petition described in subsection (a) shall be served on:

(1) the prosecuting attorney; or

(2) in the case of a child in need of services case, the department of child services.

(c) The prosecuting attorney or department of child services has thirty (30) days in which to reply or otherwise object to the petition. The court may reduce the time in which a response must be filed for a show of good cause or within its discretion after a hearing is held.

(d) If the prosecuting attorney or department of child services timely files an objection to the petition, the matter shall be set for a hearing. If no objection is filed, the court may set the petition for a hearing or rule on the petition without a hearing.

(e) In considering whether to grant the petition, the juvenile court may review:

- (1) the best interests of the child;
- (2) the age of the person during the person's contact with the juvenile court or law enforcement agency;
- (3) the nature of any allegations;
- (4) whether there was an informal adjustment or an adjudication;
- (5) the disposition of the case;
- (6) the manner in which the person participated in any court ordered or supervised services;
- (7) the time during which the person has been without contact with the juvenile court or with any law enforcement agency;
- (8) whether the person acquired a criminal record; and
- (9) the person's current status.

SECTION 9. IC 31-39-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6. (a) Subject to subsections (b) and (c), the records may shall be destroyed or given to the person to whom the records pertain upon a grant of an expungement petition by the court.**

(b) Data from the records in subsection (a) shall be maintained by the court on a separate secure data base that does not enable identification of the offender to the public or another person not having legal or statutory authority to access the records.

(c) The records maintained in the data base under subsection (b) may be used only for statistical analysis, research, and financial auditing purposes."

Renumber all SECTIONS consecutively.

(Reference is to HB 1218 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1237, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 8 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 11 and 12, begin a new line block

indented and insert:

"(4) "Board" means the governing body of the Indiana grain indemnity corporation created by IC 26-4-3-2."

Page 1, line 12, strike "(4)" and insert "(5)".

Page 1, line 14, strike "(5)" and insert "(6)".

Page 2, line 2, strike "(6)" and insert "(7)".

Page 2, line 7, strike "(7)" and insert "(8)".

Page 2, line 12, strike "(8)" and insert "(9)".

Page 2, line 16, strike "(9)" and insert "(10)".

Page 2, line 27, strike "(10)" and insert "(11)".

Page 2, line 30, strike "(11)" and insert "(12)".

Page 2, line 33, strike "(12)" and insert "(13)".

Page 2, line 36, strike "(13)" and insert "(14)".

Page 3, between lines 4 and 5, begin a new line block indented and insert:

"(15) "Fund" means the Indiana grain indemnity fund established under IC 26-4-4-1."

Page 3, line 5, strike "(14)" and insert "(16)".

Page 3, line 10, strike "(15)" and insert "(17)".

Page 3, line 38, strike "(16)" and insert "(18)".

Page 3, line 41, strike "(17)" and insert "(19)".

Page 4, line 1, strike "(18)" and insert "(20)".

Page 4, line 3, strike "(19)" and insert "(21)".

Page 4, line 6, strike "(20)" and insert "(22)".

Page 4, line 7, delete "(21)" and insert "(23)".

Page 4, line 9, delete "(22)" and insert "(24)".

Page 4, line 12, delete "(23)" and insert "(25)".

Page 4, line 14, delete "(24)" and insert "(26)".

Page 4, line 16, delete "(25)" and insert "(27)".

Page 4, line 19, delete "(26)" and insert "(28)".

Page 4, line 20, delete "(27)" and insert "(29)".

Page 4, line 23, delete "(28)" and insert "(30)".

Page 4, line 26, delete "(29)" and insert "(31)".

Page 4, line 34, delete "(30)" and insert "(32)".

Page 6, line 11, strike "June 30, 1997," and insert **"December 31, 2017,"**

Page 6, line 23, delete "FOR GRAIN THAT HAS BEEN".

Page 6, delete lines 24 through 25.

Page 6, line 26, delete "DATE OF FAILURE AND IS".

Page 6, between lines 28 and 29, begin a new line double block indented and insert:

"INDIANA LAW UNDER IC 26-3-7 CONTAINS IMPORTANT INFORMATION CONCERNING THE DURATION OF YOUR COVERAGE."

Page 7, between lines 10 and 11, begin a new line block indented and insert:

"(17) Require all grain buyers who execute a contract after December 31, 2017, with a producer under subdivision (12) to provide the producer with the educational materials prepared under IC 26-4-5-4."

Page 7, line 21, reset in roman "advisor,".

Page 7, line 21, delete "adviser,".

Page 9, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 26-3-7-6.5, AS AMENDED BY P.L.60-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) The names, locations, respective counties, and license status of licensees may be disclosed.

(b) Unless in accordance with a judicial order, the director, the agency, its counsel, auditors, or its other employees or agents shall not divulge any other information disclosed by the applications or reports filed or inspections performed under the provisions of this chapter, except to agents and employees of the agency, the board, or to any other legal representative of the state or federal government otherwise empowered to see or review the information.

(c) Except as provided in subsection (d), the director may disclose the information only in the form of an information summary or profile, or statistical study based upon data

provided with respect to more than one (1) warehouse, grain buyer, or buyer-warehouse that does not identify the warehouse, grain buyer, or buyer-warehouse to which the information applies.

(d) The director shall disclose to the board, while the board is in executive session, the status and inspection results of any grain buyer or warehouse operator who has failed to meet the minimum requirements in section 4(e) or 16 of this chapter and to provide assurance that sufficient measures are being taken to minimize the potential loss to the fund. However, the director may not disclose the information to a board member who has not executed a confidentiality agreement presented by the agency.

(e) The director may provide the board with records of previous failures to analyze the factors that have led to previous failures.

SECTION 6. IC 26-3-7-16.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.5. (a) Upon learning of the possibility that a shortage exists, either as a result of an inspection or a report or complaint from a depositor, the agency, based on an ~~on-premise~~ **on-premises** inspection, shall make a preliminary determination as to whether a shortage exists. If a shortage is not discovered, the agency shall treat the audit as it would any other audit.

(b) If it is determined that a shortage may exist, the director or the director's designated representative shall hold a hearing as soon as possible to confirm the existence of a shortage as indicated by the licensee's books and records and the grain on hand. Only the licensee, the surety company named on the licensee's bond, the issuer of the irrevocable letter of credit, and any grain depositor who has made a claim or complaint to the agency in conjunction with the shortage shall be considered as interested parties for the purposes of that hearing, and each shall be given notice of the hearing. At the hearing, the director or the director's designated representative shall determine whether there appears to be a reasonable probability that a shortage exists. If it is determined that a reasonable probability exists and that the bond or letter of credit proceeds or the cash deposit should be distributed, a preliminary determination shall be entered to the effect that the licensee has failed to meet its obligations under this chapter or the rules adopted under this chapter. At the hearing, the director or the director's designated representative may order that all proceeds from grain sales are to be held in the form in which they are received and to be kept separate from all other funds held by the licensee. The order may also provide for informal conferences between agency representatives and persons who have or who appear to have grain deposited with the licensee. The surety company shall be permitted to participate in those conferences.

(c) In the event that the director determines that the bond or letter of credit proceeds or cash deposit is to be distributed, the agency shall hold a hearing on claims. Notice shall be given to the surety company named on the licensee's bond, the issuer of the irrevocable letter of credit, and to all persons shown by the licensee's books and records to have interests in grain deposited with the licensee. If the agency has actual knowledge of any other depositor or person claiming rights in the grain deposited with the licensee, the bond, the irrevocable letter of credit, or the cash deposit, notice shall also be provided to that person. In addition, public notice shall be provided in newspapers of general circulation that serve the counties in which licensed facilities are located, and notices shall be posted on the licensed premises. At the hearing on claims, the director **or the director's designated representative** may accept as evidence of claims the report of agency representatives who in informal conferences with depositors have concluded that a claim is directly and precisely supported by the licensee's books and records. When there is disagreement between the claims of a

depositor and the licensee's books and records, the director or the director's designated representative shall hear oral claims and receive written evidence of claims in order to determine the validity of the claim.

(d) Any depositor who does not present a claim at the hearing may bring the claim to the agency within fifteen (15) days after the conclusion of the hearing. **However, a depositor who has a claim that was the subject of litigation or was involved in the probate of an estate at the time of the claims hearing has one (1) year from the conclusion of the hearing to present the claim to the agency.**

(e) **Only grain that has been delivered to a first purchaser licensee for sale or storage under a bailment not later than fifteen (15) months before the date of failure of the licensee may be considered by the director or the director's designated representative in determining the total proven storage and financial obligations due to depositors and the loss sustained by each depositor who has proven a claim.**

(f) Following the hearing on claims, the director or the **director's designated representative** shall make a determination as to the total proven storage ~~obligation of the claimants and financial obligations due to depositors~~ and the loss sustained by each depositor who has proven a claim. Depositors found to have proven their claims **for storage or financial loss** shall be proven claimants. In arriving at that loss, in accordance with section 19 of this chapter, the director shall apply all grain on hand or its identifiable proceeds to meet the licensee's obligations to grain depositors of grain of that type. Initial determinations of loss shall be made on the amount of grain on hand, or identifiable proceeds, and shall reduce the amount to which a depositor may have a proven claim. With respect to the remaining unfulfilled obligations, the director shall, for the sole purpose of establishing each depositor's claim under this chapter, establish a date upon which the loss is discovered, shall price the grain as of that date, shall treat all outstanding grain storage obligations not covered by grain on hand or identifiable proceeds as being sold as of that date, and shall determine the extent of each depositor's loss as being the actual loss sustained as of that date. Grain of a specific type on the premises of a licensee must first be applied to meet the licensee's storage obligations with respect to that type of grain. If there is insufficient grain of a specific type on hand to meet all storage obligations with respect to that type of grain, the grain that is present shall be prorated in accordance with the procedures described in this section and section 16.8 of this chapter.

(g) Upon the failure of the agency to begin an audit, which would serve as the basis for a preliminary administrative determination, within forty-five (45) days of the agency's receipt of a written claim by a depositor, a depositor shall have a right of action upon the bond, letter of credit, or cash deposit. A depositor bringing a civil action need not join other depositors. If the agency has undertaken an audit within the forty-five (45) day period, the exclusive remedy for recovery against the bond, letter of credit, or cash deposit shall be through the recovery procedure prescribed by this section.

(h) When the proven claims exceed the amount of the bond, letter of credit, or cash deposit, recoveries of proven claimants shall be prorated in the same manner as priorities are prorated under section 16.8 of this chapter.

(i) The proceedings and hearings under this section may be undertaken without regard to, in combination with, or in addition to those undertaken in accordance with section 17.1 of this chapter.

(j) The findings of the director shall be final, conclusive, and binding on all parties.

(k) The director may adopt rules under IC 4-22-2 to determine how the agency may distribute the interest that may accrue from funds held by the agency for the payment of claims.

(l) A claim of a licensee for stored grain may not be

honored until the proven claims of all other claimants arising from the purchase, storage, and handling of the grain have been paid in full.

(m) A claim is considered to be adjudicated if the claimant has:

(1) agreed with the director's determination on the claim and not filed an appeal under IC 4-21.5-3; or

(2) exhausted the claimant's administrative appeal and judicial review remedies.

(n) Subject to the requirements under this chapter, if one (1) or more claimants are not paid in full for the claimants' proven claims, the director shall forward to the Indiana grain indemnity fund board of directors a list of the claimants who are owed money and the balance due each claimant along with a copy of the final order."

Page 10, line 16, delete "twelve (12)" and insert "fifteen (15)".

Page 12, line 33, after "director" insert "**or the director's designated representative**".

Page 12, line 35, delete "director," and insert "**director or the director's designated representative,**".

Page 13, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 8. IC 26-3-7-31, AS AMENDED BY P.L.84-2016, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) Whenever it appears to the satisfaction of the director that a licensee cannot meet the licensee's outstanding grain obligations owed to depositors, or when a licensee refuses to submit the licensee's records or property to lawful inspection, the director may give notice to the licensee to do any of the following:

(1) Cover the shortage with grain that is fully paid for.

(2) Give additional bond, letter of credit, or cash deposit as required by the director.

(3) Submit to inspection as the director may deem necessary.

(b) If the licensee fails to comply with the terms of the notice within five (5) business days from the date of its issuance, or within an extension of time that the director may allow, the director may petition the circuit court, superior court, or probate court of the Indiana county where the licensee's principal place of business is located seeking the appointment of a receiver. If the court determines in accordance with IC 32-30-5 that a receiver should be appointed, upon the request of the licensee the court may appoint the agency or its representative to act as receiver. The agency or its representative shall not be appointed as receiver except upon the request of the licensee. If the agency or its representative is appointed, any person interested in an action as described in IC 32-30-5-2 may after twenty (20) days request that the agency or its representative be removed as receiver. If the agency or its representative is not serving as receiver, the receiver appointed shall meet and confer with representatives of the agency regarding the licensee's grain related obligations and, before taking any actions regarding those obligations, the receiver and the court shall consider the agency's views and comments.

(c) The director shall inform the corporation of any:

(1) notice or order issued; or

(2) action taken;

under this section.

SECTION 9. IC 26-3-7-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 37. (a) As used in this section, "claim period" means the period beginning October 7, 2014, and ending April 7, 2015.**

(b) Notwithstanding any other law, a claimant who delivered grain to a first purchaser for sale or storage under a bailment to a failed licensee within the claim period shall be considered by the director or the director's representative in determining the total proven storage and

financial obligations due to depositors and the loss sustained by each depositor who has proven a claim for the claim period.

(c) Notwithstanding any other law, the director, the director's designee, or the board may not consider any refunds claimed before July 1, 2015, in determining whether a claimant is covered by the fund for a claim for the period beginning October 7, 2014, and ending April 7, 2016.

(d) Before September 1, 2017, the director shall forward to the Indiana grain indemnity fund board of directors a list of the claimants who are owed money under this section and the balance due each claimant along with a copy of the final order for any claimants who were not paid the full amount due for the claimants' proven claims under this section.

(e) The director or the director's designee shall send a statement of loss to each claimant that includes the amounts due to each claimant according to the records of the failed licensee for the claim allowed under this section. However, a claimant may submit a claim form with written documentation supporting the claim.

(f) Notwithstanding any other law, before November 1, 2017, the Indiana grain indemnity fund board of directors shall pay, according to the procedures in IC 26-4-6, the claimants who are owed money according to the list forwarded by the director under subsection (d).

(g) This section expires July 1, 2018."

Page 13, line 17, delete "IC 26-3-7-2(25))." and insert "IC 26-3-7-2(27))."

Page 13, after line 18, begin a new paragraph and insert:

"SECTION 12. IC 26-4-1-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. "Licensee" has the meaning set forth in IC 26-3-7-2(23).**

SECTION 13. IC 26-4-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. "Participant in the grain indemnity program" means a producer who has: ~~never~~**

(1) not requested a refund under IC 26-4-5-1 **after June 30, 2015;** or ~~has~~

(2) reentered the program under IC 26-4-5-2.

SECTION 14. IC 26-4-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. "Producer" means an owner of land, a tenant on land, or an operator of a farm that has an interest in and receives all or any part of the proceeds from the sale in Indiana to a first purchaser licensee of the grain produced.**

SECTION 15. IC 26-4-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. The director shall disclose to the board, while the board is in executive session, the status and inspection results of any grain buyer or warehouse operator who has failed to meet the minimum requirements in IC 26-3-7-4(e) or IC 26-3-7-16 and to provide assurance that sufficient measures are being taken to minimize the potential loss to the fund. However, the director may not disclose the information to a board member who has not executed a confidentiality agreement presented by the agency.**

SECTION 16. IC 26-4-4-4, AS AMENDED BY P.L.60-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) Except as provided in section 8 of this chapter, beginning on July 1, 2015, the producers of grain shall be charged a producer premium equal to two-tenths percent (0.2%) of the price on all marketed grain that is sold in Indiana: to a first purchaser licensee.**

(b) The producer premiums required under this section are in addition to any other fees or assessments required by law.

SECTION 17. IC 26-4-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) A**

producer upon and against whom a producer premium is charged and collected under the provisions of this chapter may demand of and by complying with this chapter receive from the fund through the board a refund of the producer premiums collected from the producer.

(b) The board shall develop the form on which a demand for a refund must be filed. The board shall make the form available to grain buyers, producers, and the public upon request.

(c) Except as provided in subsection (d), a demand for a refund under this section is only valid if:

(1) made in writing and:

(A) hand delivered; or

(B) sent by first class mail; to the board; and

(2) delivered or sent to the board not more than twelve (12) months after the premium was collected.

(d) The board may for good cause grant an extension for filing a demand for a refund under this chapter.

(e) A producer that requests and receives a refund under this section **after June 30, 2015**, is not protected and will not be compensated by the grain indemnity program. **The board may not consider any refunds claimed before July 1, 2015, in determining whether a producer is covered by the fund.**

(f) Before January 1 of each year in which producer premiums were collected during the immediately preceding calendar year, the board shall send a notice to each producer who requested a refund of producer premiums in any previous year. The notice must inform the producer of the time frame in which a request for a refund must be made and the method of filing for a refund.

SECTION 18. IC 26-4-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) A producer who has received a refund of a producer premium under section 1 of this chapter after June 30, 2015, and has made a request for reentry may reenter the grain indemnity program if the following conditions are satisfied:**

(1) The producer petitions the board for approval of reentry into the grain indemnity program by hand delivering or sending by certified mail, return receipt requested, a written request in a form required by the board.

(2) The board reviews the producer's petition for reentry and approves the petition.

(3) The producer pays into the fund:

(A) all previous producer premium refunds; and

(B) interest on the refunds;

as determined by the board.

(b) A producer that reenters the grain indemnity program under subsection (a)(3) is protected by the program from the time all previous producer premium refunds **that were claimed after June 30, 2015**, and interest on the refunds, are paid to the fund.

(c) **A producer who has not been a participant in the grain indemnity program may not reenter the program before meeting the criteria of a claimant as defined by this chapter. This subsection does not apply to a producer who obtained refunds only before July 1, 2015.**

SECTION 19. IC 26-4-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) The board, in coordination with the agency, shall develop educational information to be made available to producers both electronically and through grain buyers and warehouse operators, explaining the following:**

(1) The purpose of the fund.

(2) How the fund is operated.

(3) An explanation of coverage under the program, including the duration of coverage and limits on losses.

(4) The process for claiming a refund.

(5) The process for reentering the program.**(6) Where to locate information about who has requested a refund and who is no longer covered by the program.****(b) A producer who has deposited grain with a grain buyer or warehouse operator shall be provided the educational information developed under subsection (a) by the grain buyer or warehouse operator when a contract is executed under IC 26-3-7-3(a)(12).**

SECTION 20. IC 26-4-6-4, AS AMENDED BY P.L.75-2010, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A claimant who has incurred a storage loss due to the failure of a warehouse operator licensed under IC 26-3-7 is entitled to be compensated by the board from the fund for one hundred percent (100%) of the storage loss incurred less all credits and offsets and any producer premium that would have been due on the sale of the grain. The gross amount of the storage loss shall be as determined by the agency for warehouses licensed under IC 26-3-7 or by the United States Department of Agriculture for warehouses licensed under the United States Warehouse Act. The warehouse operator and claimants may submit to the agency evidence related to outstanding charges against stored grain. If the evidence is submitted, the agency shall determine the storage loss payable by the board.

(b) A claimant who has incurred a financial loss due to the failure of a grain buyer is entitled to be compensated by the board from the fund for eighty percent (80%) of the loss incurred less all credits and offsets and any producer premium that should have been due on the sale of the grain. The agency shall determine the loss incurred in the following manner:

(1) For grain that has been priced, the loss shall be the value of the priced grain less any outstanding charges against the grain.

(2) For grain sold to a grain buyer who is also a warehouse operator and that has not been priced, the loss shall be established using the price determined for the storage obligations.

(3) For grain sold to a grain buyer who is not a warehouse operator and that has not been priced, the loss shall be established using a price determined by the agency using the same procedures used by the agency to determine the price at the warehouse.

(c) If a producer appeals under IC 4-21.5-3 an order issued by the director under IC 26-3-7-16.5 that postpones the agency from notifying the board of the amount of loss for proven claimants under IC 26-3-7-16.5(n), the board may issue partial payments to any claimants who have not appealed their claims.

SECTION 21. IC 26-4-6-6, AS AMENDED BY P.L.75-2010, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A claimant compensated under this chapter ~~may be~~ is required to subrogate to the board or corporation all the claimant's rights to collect on a bond issued under IC 26-3-7 or the United States Warehouse Act and all the claimant's rights to any other compensation arising from the failure of the grain buyer or warehouse operator. ~~If so required,~~ The claimant shall assign all the claimant's rights, title, and interest in any judgment concerning the failure to the board or corporation.

SECTION 22. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1237 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1312 as introduced.)

Committee Vote: Yeas 8, Nays 1.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 39, delete "shall, to the greatest extent possible," and insert "**is encouraged to**".

Page 3, line 20, delete "city of East Chicago." and insert "**East Chicago area of special concern**".

Page 3, delete lines 21 through 25.

Page 3, line 26, delete "(c)" and insert "**(b)**".

Page 3, line 28, after "of" insert "**the**".

Page 3, line 28, after "Chicago" insert "**area of special concern**".

Page 3, line 30, after "of" insert "**the**".

Page 3, line 30, after "Chicago" insert "**area of special concern**".

Page 3, delete lines 34 through 42.

Delete page 4.

Page 5, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to HB 1344 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 19, after "admitted" insert ".".

Page 4, line 19, strike "to the gambling excursion."

Page 4, line 20, after "owner" insert ".".

Page 4, line 20, strike "conducting the".

Page 4, line 21, strike "gambling excursion." and insert "**This subsection expires July 1, 2018**".

Page 4, line 22, delete "This" and insert "**Beginning January 1, 2018, this**".

Page 4, line 24, delete "2019," and insert "**2017**".

Page 4, line 26, after "receipts." insert "**This subsection expires July 1, 2018**".

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"(c) Beginning July 1, 2018, a supplemental wagering tax is imposed and authorized under this article at a rate of three percent (3%) of adjusted gross receipts of the prior fiscal year.

(d) Beginning July 1, 2019, a supplemental wagering tax is imposed and authorized under this article at a rate of two and nine-tenths percent (2.9%) of adjusted gross receipts of the prior fiscal year.

(e) Beginning July 1, 2020, a supplemental wagering tax is imposed and authorized under this article at a rate of two

and eight-tenths percent (2.8%) of adjusted gross receipts of the prior fiscal year."

Page 14, line 23, strike "(a) This section".

Page 14, line 25, delete "does not apply to a riverboat in a historic hotel district."

Page 14, line 26, strike "(b)" and insert "(a)".

Page 15, line 17, strike "(c)" and insert "(b)".

Page 16, line 8, strike "(d)" and insert "(c)".

Page 16, line 14, strike "(e)" and insert "(d)".

Page 16, line 17, strike "(f)" and insert "(e)".

Page 16, line 19, strike "(g)" and insert "(f)".

Page 16, line 23, strike "(h)" and insert "(g)".

Page 21, line 8, after "fund." insert "**Beginning July 1, 2019, the division of mental health and addiction shall not receive a supplemental distribution under this subsection.**"

Page 21, line 8, strike "subsection".

Page 21, line 9, strike "(i)," and insert "**subsections (i), (j), or (k).**"

Page 21, line 31, reset in roman "forty-eight".

Page 21, line 31, delete "thirty".

Page 21, line 32, reset in roman "(\$48,000,000)".

Page 21, line 32, delete "(\$30,000,000)".

Page 21, line 33, reset in roman "forty-eight".

Page 21, line 33, delete "thirty".

Page 21, line 34, reset in roman "(\$48,000,000)".

Page 21, line 34, delete "(\$30,000,000)".

Page 21, line 38, after "distribution." insert "**This subsection expires July 1, 2019.**"

(j) This subsection applies to a supplemental distribution made after June 30, 2019. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-four million dollars (\$44,000,000). If the total amount determined under subsection (g) exceeds forty-four million dollars (\$44,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution. The division of mental health and addiction shall not receive a supplemental distribution under this subsection. This subsection expires July 1, 2020.

(k) This subsection applies to a supplemental distribution made after June 30, 2020. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty million dollars (\$40,000,000). If the total amount determined under subsection (g) exceeds forty million dollars (\$40,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution. The division of mental health and addiction shall not receive a supplemental distribution under this subsection.

Page 21, line 39, strike "(j)" and insert "**(l)**".

Page 21, line 41, strike "(g) and (i)." and insert "**(g), (i), (j), and (k).**"

Page 22, line 14, strike "(k)" and insert "**(m)**".

Page 22, line 41, delete "Add" and insert "**Except as provided in subsections (c), (d), and (e), add**".

Page 23, line 2, delete "However, a taxpayer is".

Page 23, delete lines 3 through 6.

Page 26, line 11, delete "Add" and insert "**Except as provided in subsections (c), (d), and (e), add**".

Page 26, line 14, delete "However, a taxpayer is".

Page 26, delete lines 15 through 18.

Page 27, between lines 35 and 36, begin a new paragraph and insert:

"(c) Beginning January 1, 2019, a taxpayer is required to

add back under this section seventy percent (70%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes in:

(1) subsection (a)(2) if the taxpayer is an individual; or

(2) subsection (b)(3) if the taxpayer is a corporation.

This subsection expires December 31, 2019.

(d) Beginning January 1, 2020, a taxpayer is required to add back under this section forty percent (40%) of any deduction allowed on the taxpayer's federal income tax return for wagering taxes in:

(1) subsection (a)(2) if the taxpayer is an individual; or

(2) subsection (b)(3) if the taxpayer is a corporation.

This subsection expires December 31, 2020.

(e) Beginning January 1, 2021, a taxpayer is not required to add back under this section any deduction allowed on the taxpayer's federal income tax return for wagering taxes."

Page 27, line 36, strike "(c)" and insert "**(f)**".

Page 29, line 17, strike "(d)" and insert "**(g)**".

Page 30, line 40, strike "(e)" and insert "**(h)**".

Page 32, after line 11, begin a new paragraph and insert:

"SECTION 20. IC 36-7.5-4-2, AS AMENDED BY P.L.197-2016, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Except as provided in subsections (b) and (d), the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. However, if a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of the local income tax revenue that is dedicated to economic development purposes that is required to be transferred under IC 6-3.6-11-6 is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;

(2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

(3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars (\$2,625,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining transfers required by subsections (a) and (b):

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority fund before the last business day of January, April, July, and

October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2007. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2007.

(4) The transfers shall be made from one (1) or more of the following:

- (A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.
- (B) Any local income tax revenue that is dedicated to economic development purposes under IC 6-3.6-6 and received under IC 6-3.6-9 by the city or county.
- (C) Any other local revenue other than property tax revenue received by the city or county.
- (D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under IC 4-33-12-6(d) and ~~IC 4-33-13-5(j)~~. **IC 4-33-13-5(i)**. However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by ~~IC 4-33-13-5(j)~~ **IC 4-33-13-5(i)** on behalf of the unit with respect to a particular state fiscal year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1350 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1386 as introduced.)

Committee Vote: Yeas 12, Nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1389, has had the same under consideration

and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 26, delete "one" and insert "two".

Page 4, line 27, delete "\$1,000" and insert "\$2,000".

Page 6, line 10, after "exam" insert "is eligible for free or reduced price lunch and".

Page 11, line 23, after "teaches" insert "or is obtaining qualifications approved by the school corporation necessary to teach".

Page 11, line 24, after "teaches" insert "or is obtaining qualifications approved by the school corporation necessary to teach".

(Reference is to HB 1389 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, strike "sixty".

Page 2, line 7, strike "(60)" and insert "ninety (90)".

Page 2, line 15, delete "sixty (60)" and insert "ninety (90)".
(Reference is to HB 1395 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 3. 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."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1405 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1408, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1408 as introduced.)

Committee Vote: Yeas 9, Nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1431 as introduced.)

Committee Vote: Yeas 9, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1488, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 21, line 34, delete "(m)" and insert "(o)".

Page 49, line 1, delete "of IC 9-32".

Page 49, line 2, delete ", including a violation of a rule adopted under the" and insert "**of IC 9-19, IC 9-22, IC 9-32 or a rule adopted under the authority of IC 9-32, or IC 24-5-0.5;**".

Page 49, delete line 3.

(Reference is to HB 1488 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1491, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 19. IC 9-13-2-6.1, AS ADDED BY P.L.82-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6.1. **Subject to IC 9-19-7-2.7**, "autocycle" means a three (3) wheeled motor vehicle in which the operator and passenger ride in a completely or partially enclosed seating area that is equipped with:

- (1) a rollcage or roll hoops;
- (2) safety belts for each occupant; and
- (3) antilock brakes;

and is designed to be controlled with a steering wheel and pedals."

Page 7, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 20. IC 9-13-2-60, AS AMENDED BY P.L.86-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 60. ~~(a)~~ "Farm wagon" means any of the following:

- (1) A wagon, other than an implement of agriculture, that is used primarily for transporting farm products and farm supplies in connection with a farming operation.
- (2) A three (3), four (4), or six (6) wheeled **farming or construction related** motor vehicle: **with a folding hitch on the front of the motor vehicle;**

- (A) **capable of cross country travel:**
 - (i) **without the benefit of a road; and**

(ii) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain;
(B) manufactured with seating for not more than four (4) individuals; and
(C) that is used primarily for farming or construction related purposes, including:

~~(A) (i) to transport the transportation of an individual from one (1) farm field to another, whether or not the motor vehicle is operated on a highway in order to reach the other farm field;~~
~~(B) (ii) for the transportation of an individual upon farm premises; or~~
~~(C) (iii) for both purposes set forth in clauses (A) and (B); hauling building materials.~~

~~(3) A three (3), four (4), or six (6) wheeled construction related motor vehicle, capable of cross-country travel:~~

~~(A) without the benefit of a road; and~~
~~(B) on or immediately over land, water, snow, ice, marsh, swampland; or other natural terrain;~~
~~that is used primarily for construction related purposes, including hauling building materials.~~

~~(b) The term includes a motor vehicle described in subsection (a)(2) that is used for the incidental transportation of farm supplies or farm implements at the same time it is used for the transportation of an individual."~~

Page 21, line 39, strike "The fee to renew a permanent registration is eight".

Page 21, strike lines 40 through 42.

Page 22, strike lines 1 through 4.

Page 22, line 8, strike "or IC 9-18-10-2(a)(3) (before its expiration)".

Page 39, between lines 29 and 30, begin a new line block indented and insert:

"(10) Lewis and Clark expedition license plates (IC 9-18.5-26)."

Page 39, line 30, strike "(10)" and insert "(11)".

Page 39, line 31, strike "(11)" and insert "(12)".

Page 39, line 32, strike "(12)" and insert "(13)".

Page 39, line 34, strike "(13)" and insert "(14)".

Page 43, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 66. IC 9-18.5-26-1, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. The bureau shall design and issue a Lewis and Clark expedition license plate. ~~as a special group recognition license plate under IC 9-18.5-12.~~

SECTION 67. IC 9-18.5-26-3, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) The ~~fees~~ **fee** for a Lewis and Clark expedition license plate ~~is~~ **twenty-five dollars (\$25). are as follows:**

~~(1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.~~

~~(2) An annual fee of not more than twenty-five dollars (\$25) as provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).~~

(b) The ~~annual~~ fee described in subsection ~~(a)(2)~~ **(a)** shall be collected by the bureau and deposited in the Lewis and Clark expedition fund established by section 4 of this chapter."

Page 45, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 75. IC 9-19-7-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.7. An autocycle registered before July 1, 2015, is not required to be equipped with antilock brakes.**

SECTION 74. IC 9-20-9-8, AS AMENDED BY P.L.150-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) This

section does not apply to farm wagons (as defined in ~~IC 9-13-2-60(a)(1)~~; **IC 9-13-2-60**). However, a farm wagon (as defined in ~~IC 9-13-2-60(a)(2)~~ **IC 9-13-2-60**) that is operated on a highway may not be used to tow another vehicle.

(b) The draw bar or other connection between any two (2) vehicles, one (1) of which is towing or drawing the other upon a highway, may not exceed fifteen (15) feet in length from one (1) vehicle to the other.

(c) Each trailer and semitrailer hauled by a motor propelled vehicle must be attached to the vehicle and to each other with the forms of coupling devices that will prevent the trailer or semitrailer from being deflected more than six (6) inches from the path of the towing vehicle or to each other, by suitable safety chains or devices, one (1) on each side of the coupling and at the extreme outer edge of the vehicle. Each chain or device and connection used must be of sufficient strength to haul the trailer when loaded.

(d) A vehicle, including a combination of vehicles engaged in interstate commerce, and any safety equipment on the vehicle, including safety chains, cables, or other devices, that is otherwise in compliance with:

- (1) the United States Department of Transportation Federal Highway Administration motor carrier safety regulations;
- (2) the motor vehicle safety standards of the National Highway Safety Bureau of the United States Department of Transportation; or
- (3) the successor of either or both of those agencies;

is considered to be in compliance with this section.

SECTION 75. IC 9-20-10-2, AS AMENDED BY P.L.150-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) A farm wagon (as defined in ~~IC 9-13-2-60(a)(1)~~ **IC 9-13-2-60**) is not subject to IC 9-20-9-8 with regard to trailers in tow.

(b) A farm wagon (as defined in ~~IC 9-13-2-60(a)(2)~~ **IC 9-13-2-60**) may not be used to tow a trailer.

SECTION 76. IC 9-21-8-35, AS AMENDED BY P.L.188-2015, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 35. (a) Upon the immediate approach of an authorized emergency vehicle, when the person who drives the authorized emergency vehicle is giving audible signal by siren or displaying alternately flashing red, red and white, or red and blue lights, a person who drives another vehicle shall do the following unless otherwise directed by a law enforcement officer:

- (1) Yield the right-of-way.
- (2) Immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the highway clear of any intersection.
- (3) Stop and remain in the position until the authorized emergency vehicle has passed.

(b) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, or red and blue lights, a person who drives an approaching vehicle shall:

- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
- (2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this subsection commits a Class A infraction.

(c) Upon approaching a stationary recovery vehicle, a stationary utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid waste hauler, ~~or~~ a stationary road, street, or highway maintenance vehicle, **or a stationary survey or construction vehicle**, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

- (1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, utility service vehicle, solid waste hauler, or road, street, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
- (2) proceeding with due caution, reduce the speed of the vehicle to a speed at least ten (10) miles per hour less than the posted speed limit, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

A person who violates this section commits a Class B infraction.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, a utility service vehicle, solid waste hauler, ~~or~~ a road, street, or highway maintenance vehicle, **or a stationary survey or construction vehicle** from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

SECTION 77. IC 9-21-8-45, AS AMENDED BY P.L.150-2009, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 45. (a) A farm wagon may not be operated on an interstate highway.

(b) In addition to the prohibition set forth in subsection (a), a farm wagon (as defined in ~~IC 9-13-2-60(a)(2)~~ **IC 9-13-2-60**) may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2, except that a farm wagon may cross a state highway, other than a limited access highway, at right angles for the purpose of getting from one (1) farm field to another when the operation can be done safely. The operator shall bring the farm wagon to a complete stop before proceeding across the state highway and shall yield the right-of-way to all traffic."

Page 45, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 75. IC 9-24-1-7, AS AMENDED BY P.L.198-2016, SECTION 422, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) Section 1 of this chapter does not apply to the following individuals:

- (1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.
- (2) An individual who is at least sixteen (16) years and one hundred eighty (180) days of age, while operating:
 - (A) road construction or maintenance machinery;
 - (B) a ditch digging apparatus;
 - (C) a well drilling apparatus; or
 - (D) a concrete mixer;
 that is being temporarily drawn, moved, or propelled on a highway.
- (3) A nonresident who:
 - (A) is:
 - (i) at least sixteen (16) years and one hundred eighty (180) days of age; or
 - (ii) employed in Indiana;
 - (B) has in the nonresident's immediate possession a valid driver's license that was issued to the nonresident in the nonresident's home state or country; and
 - (C) is lawfully admitted into the United States; while operating on a highway the type of motor vehicle for which the driver's license was issued, subject to the

restrictions imposed by the home state or country of the individual's residence.

(4) A new Indiana resident who:

(A) possesses a valid driver's license issued by the state or country of the individual's former residence; and

(B) is lawfully admitted in the United States;

for a period of sixty (60) days after becoming an Indiana resident, and subject to the restrictions imposed by the state or country of the individual's former residence while operating upon a highway the type of motor vehicle for which the driver's license was issued.

(5) An individual while operating a farm wagon that is being temporarily drawn, moved, or propelled on a public highway. However, to operate the farm wagon on a highway, other than to temporarily draw, move, or propel it, the individual must be at least fifteen (15) years of age.

(6) An individual who does not hold a driver's license or permit and is authorized to operate a golf cart or an off-road vehicle on the highways of a county, city, or town in accordance with an ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a).

(b) An ordinance adopted under IC 9-21-1-3(a)(14) or IC 9-21-1-3.3(a) must require that an individual who operates a golf cart or off-road vehicle in the city, county, or town:

(1) hold a driver's license; or

(2) be at least sixteen (16) years and one hundred eighty (180) days of age and hold:

(A) an identification card issued under IC 9-24-16; or

(B) a photo exempt identification card issued under IC 9-24-16.5."

Page 60, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 90. IC 9-24-16-11.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11.6. **Except as provided in IC 9-24-1-7(b)**, an identification card issued under this chapter may not be used to identify the person who holds the identification card as the operator of a motor vehicle.

SECTION 91. IC 9-24-16.5-8, AS ADDED BY P.L.197-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. **Except as provided in IC 9-24-1-7(b)**, a photo exempt identification card issued under this chapter may not be used to identify the individual who holds the photo exempt identification card as the operator of a motor vehicle."

Page 63, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 93. IC 14-8-2-185, AS AMENDED BY P.L.86-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

(1) without benefit of a road; and

(2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

(1) A multiwheel drive or low pressure tire vehicle.

(2) An amphibious machine.

(3) A ground effect air cushion vehicle.

(4) An all-terrain vehicle (as defined in section 5.7 of this chapter).

(5) A recreational off-highway vehicle (as defined in section 233.5 of this chapter).

(6) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

(1) A farm vehicle being used for farming, including, but not limited to, a farm wagon (as defined in ~~IC 9-13-2-60(a)(2)~~; **IC 9-13-2-60(2)**).

(2) A vehicle used for military or law enforcement purposes.

(3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function, including, but not limited to, a farm wagon (as defined in ~~IC 9-13-2-60(a)(3)~~; **IC 9-13-2-60(2)**).

(4) A snowmobile (as defined by section 261 of this chapter).

(5) A registered aircraft.

(6) Any other vehicle properly registered by the bureau of motor vehicles.

(7) Any watercraft that is registered under Indiana statutes.

(8) A golf cart vehicle.

SECTION 95. IC 14-16-1-20, AS AMENDED BY P.L.198-2016, SECTION 642, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 20. (a) Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3, an individual may not operate a vehicle required to be registered under this chapter, under IC 9-18-2.5 (before its expiration), or under IC 9-18.1-14 upon a public highway, street, or rights-of-way thereof or on a public or private parking lot not specifically designated for the use of vehicles, except under the following conditions:

(1) A vehicle may be operated on the public right-of-way adjacent to the traveled part of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled part and in a manner so as not to endanger life or property.

(2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one (1) area to another when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway and shall yield the right-of-way to all traffic.

(3) Notwithstanding this section, a vehicle may be operated on a highway in a county road system outside the corporate limits of a city or town if the highway is designated for this purpose by the county highway department having jurisdiction.

(4) A law enforcement officer of a city, town, or county or the state may authorize use of a vehicle on the public highways, streets, and rights-of-way within the officer's jurisdiction during emergencies when conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(5) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(b) An individual less than fourteen (14) years of age may not operate a vehicle without immediate supervision of an individual at least eighteen (18) years of age, except on land owned or under the control of the individual or the individual's parent or legal guardian.

(c) **Except as provided in IC 9-21-1-3(a)(14) and IC 9-21-1-3.3**, an individual may not operate a vehicle on a public highway without a valid motor vehicle driver's license.

(d) A vehicle may not be used to hunt, pursue, worry, or kill a wild bird or a domestic or wild animal."

Renumber all SECTIONS consecutively.

(Reference is to HB 1491 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1508, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"(b) Beginning January 1, 2018, the scratch off game described in subsection (a) must be available to the public for play."

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 11, delete "department of veterans' affairs" and insert **"veterans service officer training fund"**.

Page 1, line 12, delete "IC 10-17-1-2." and insert **"IC 10-17-1-10.5."**

Page 2, line 35, delete "department of veterans' affairs" and insert **"veterans service officer training fund"**.

Page 2, line 36, delete "IC 10-17-1-2." and insert **"IC 10-17-1-10.5."**

Page 8, line 6, delete "fifty percent (50%) of the minimum federal exempt employee" and insert **"fifteen thousand dollars (\$15,000)."**

Page 8, delete line 7.

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

"Sec. 5. A county may receive, in addition to a grant under section 4 of this chapter, a subsequent grant annually that is equal to thirty five thousand dollars (\$35,000) multiplied by the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of veterans in the county.

STEP TWO: Divide the number determined in STEP ONE by ten thousand (10,000).

STEP THREE: Round the amount determined in STEP TWO to the nearest five-tenths (0.5).

STEP FOUR: Subtract one (1) from the amount determined in STEP THREE."

Page 8, delete lines 8 through 19.

Page 8, line 20, delete "(j)" and insert **"Sec. 6."**

Page 8, delete lines 22 through 28.

(Reference is to HB 1508 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1513, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 20 through 42.

Page 5, delete lines 1 through 41.

Renumber all SECTIONS consecutively.

(Reference is to HB 1513 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WASHBURN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1527, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1527 as introduced.)

Committee Vote: Yeas 9, Nays 4.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1536, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1536 as introduced.)

Committee Vote: Yeas 9, Nays 0.

ZENT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1601, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1601 as introduced.)

Committee Vote: Yeas 11, Nays 0.

MORRIS, Chair

Report adopted.

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 1013, 1085, 1089, 1157, 1211, 1243, 1324, 1351, 1370, 1430, 1467, 1520 and 1523.

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

House Bill 1415

Representative Eberhart called down House Bill 1415 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1415-1)

Mr. Speaker: I move that House Bill 1415 be amended to read as follows:

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 11. IC 14-22-12-1.5, AS AMENDED BY P.L.151-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. (a) As used in this section, "qualified individual" means an individual who:

- (1) is a resident of Indiana;
- (2) has served in the armed forces of the United States; and
- (3) has a service connected disability, as evidenced by:

(A) records of the United States Department of Veterans Affairs; or

(B) disability retirement benefits awarded to the individual under laws administered by the United States Department of Defense.

(b) A qualified individual is entitled to reduced fee hunting and fishing licenses under this section.

(c) Each year a qualified individual may obtain **any of the following licenses by paying a reduced license fee of two dollars and seventy-five cents (\$2.75) instead of the fee prescribed by section 1 of this chapter:**

(1) Both:

(A) a resident yearly license to fish; and

(B) a resident yearly license to hunt. **or**

(2) A resident yearly license to hunt and fish.

(3) Any resident yearly license listed in section 1(a) of this chapter.

by paying a reduced license fee of two dollars and seventy-five cents (\$2.75) instead of the fee prescribed by section 1 of this chapter.

(d) Each decade a qualified individual may obtain:

(1) both:

(A) a resident license to fish that is valid for ten (10) years; and

(B) a resident license to hunt that is valid for ten (10) years; or

(2) a resident license to hunt and fish that is valid for ten (10) years;

by paying a reduced license fee of twenty-seven dollars and fifty cents (\$27.50).

(e) An applicant for a reduced fee license under this section must do the following:

(1) Request the license from:

(A) the department;

(B) an agent appointed by the director under IC 14-22-11-3; or

(C) the clerk of the circuit court who is an authorized representative of the department under IC 14-22-11-3 in the county in which the individual resides.

(2) Present evidence that the applicant is a qualified individual."

Renumber all SECTIONS consecutively.

(Reference is to HB 1415 as printed February 7, 2017.)

GOODIN

Upon request of Representatives Lawson and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 85: yeas 52, nays 43. Motion prevailed.

HOUSE MOTION
(Amendment 1415-2)

Mr. Speaker: I move that House Bill 1415 be amended to read as follows:

Page 4, line 3, strike "have a" and insert "**meet the**".

Page 4, line 3, strike "of at least sixteen (16)".

Page 4, line 4, strike "inches." and insert "**requirements established by the department.**".

Page 4, line 5, delete "is two" and insert "**meets the diameter requirements established by the department.**".

Page 4, delete line 6.

Page 4, line 7, delete "or larger."

Page 4, line 13, delete "has a minimum case" and insert "**meets the minimum case length requirements established by the department.**".

Page 4, delete line 14.

(Reference is to HB 1415 as printed February 7, 2017.)

GOODIN

Motion failed. The bill was ordered engrossed.

House Bill 1391

Representative Frizzell called down House Bill 1391 for

second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1009

Representative Cook called down House Bill 1009 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1009-4)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 69, line 30, delete "Money" and insert "**Only after the transfer is authorized by the governing body in a public meeting with public notice, money**".

Page 69, line 40, delete "short".

Page 69, line 42, delete "corresponds" and insert "**corresponded**".

Page 80, line 22, delete "Money" and insert "**Only after the transfer is authorized by the governing body in a public meeting with public notice, money**".

Page 80, line 32, delete "short".

Page 80, line 33, delete "is being" and insert "**was**".

Page 80, line 34, delete "corresponds" and insert "**corresponded**".

(Reference is to HB 1009 as printed February 7, 2017.)

PRYOR

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 86: yeas 93, nays 1. Motion prevailed.

HOUSE MOTION
(Amendment 1009-9)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 63, line 4, after "finance." insert "**Revenue includes money estimated to be or actually transferred from the school corporation's education fund to its operation fund.**".

Page 63, line 7, after "fund." insert "**A school corporation may not transfer revenue described in this section to another fund in order to put the school corporation in a position of deficit financing for purposes of bargaining under this chapter.**".

Page 63, line 18, after "fund." insert "**Revenue includes money estimated to be or actually transferred from the school corporation's education fund to its operation fund. A school corporation may not transfer revenue described in this section to another fund in order to put the school corporation in a position of deficit financing for purposes of bargaining under this chapter.**".

Page 63, line 31, after "fund." insert "**Estimated revenue includes money estimated to be or actually transferred from the school corporation's education fund to its operation fund.**". Page 64, line 28, after "fund." insert "**Revenue includes money estimated to be or actually transferred from the school corporation's education fund to its operation fund.**".

(Reference is to HB 1009 as printed February 7, 2017.)

PELATH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 87: yeas 29, nays 66. Motion failed.

HOUSE MOTION
(Amendment 1009-7)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 70, line 5, delete "balance," and insert "**balances,**".

Page 70, line 6, after "fund" insert "**and rainy day fund**".

Page 81, delete line 6.

(Reference is to HB 1009 as printed February 7, 2017.)

V. SMITH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 88: yeas 26, nays 68. Motion failed.

HOUSE MOTION
(Amendment 1009-3)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 70, line 7, delete "in proportion to the general fund allocations" and insert ".".

Page 70, delete lines 8 through 10.

(Reference is to HB 1009 as printed February 7, 2017.)

ERRINGTON

Motion failed. The bill was ordered engrossed.

ACTION ON GUBERNATORIAL VETOES

House Enrolled Act 1022

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: By the authority vested in me as Governor of the State of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1022, enacted during the second regular session of the 119th General Assembly, and received by me on March 17, 2016, which provides that certain records of private university police departments relating to arrests for criminal offenses are public records and that an educational institution, a governing board of an institution, a delegated office or governing board, or an individual employed by an educational institution as a police officer have the same immunities as the state or state police officers.

On March 15, 2016, the Court of Appeals of Indiana rules in *ESPN V. University of Notre Dame* that Notre Dame's police department is a "public agency" not a private entity under the Indiana Access to Public Records Act (APRA) and as such is subject to APRA requirements to produce certain documents unless otherwise protected by disclosure by APRA.

Throughout my public career, I have long believed in the public's right to know and a free and independent press. Limiting access to police records in a situation where private university police departments perform a government function is a disservice to the public and an unnecessary barrier to transparency.

While House Enrolled Act 1022 provides for limited disclosure of records from private university police departments, it would limit the application of the Access to Public Records Act following the Court of Appeals decision and result in less disclosure, therefore I have decided to veto the bill. Hoosiers may be assured that my administration will always be vigilant to preserve government accountability and the public's right to know.

Date: March 24, 2016

MICHAEL R. PENCE
Governor

The Speaker handed down House Enrolled Act 1022, passed by the Second Regular Session of the 119th General Assembly.

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

The merits of House Enrolled Act 1022 and the governor's veto were explained. The question was, Shall House Enrolled Act 1022 pass, the Governor's veto notwithstanding?

Roll Call 89: yeas 93, nays 2. The Governor's veto was overridden.

House Enrolled Act 1082

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: By the authority vested in me as Governor of the State of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1082, enacted during the second regular session of the 119th General Assembly, which would have prevented environmental standards or rules put forth by the Indiana Department of Environmental Management that impose a restriction or requirement more stringent than federal law from going into effect until after adjournment sine die of the next General Assembly.

In recent months, public concern over clean and safe drinking water has grown as a result of the situation in Flint, Michigan. Our Indiana Department of Environmental Management is vigilant about requiring regular testing of water systems across the state for lead and working with any systems that are out of compliance to implement plans that will return the water to safe levels.

IDEM must have the necessary flexibility to take action to protect Hoosiers.

House Enrolled Acts 1082 restricts IDEM's ability to act and imposes unnecessary delay for its rulemaking process. At a time when we must do all that we can to enhance public trust in the agencies charged with protecting our environment, this bill moves in the wrong direction and will therefore receive my veto.

With this veto, Hoosiers can be assured that we will continue to have the necessary discretion and flexibility to create Indiana solutions at the state level and act in a timely way to protect our drinking water.

Date: March 24, 2016

MICHAEL R. PENCE
Governor

The Speaker handed down House Enrolled Act 1082, passed by the Second Regular Session of the 119th General Assembly.

AN ACT to amend the Indiana Code concerning environmental law.

The merits of House Enrolled Act 1082 and the governor's veto were explained. The question was, Shall House Enrolled Act 1082 pass, the Governor's veto notwithstanding?

Roll Call 90: yeas 65, nays 29. The Governor's veto was overridden.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1136

Representative Frizzell called down Engrossed House Bill 1136 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 91: 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 Raatz and Grooms.

Engrossed House Bill 1200

Representative Arnold called down Engrossed House Bill 1200 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 92: yeas 64, nays 29. 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, Crider, Houchin and Becker.

Engrossed House Bill 1318

Representative Carbaugh called down Engrossed House Bill 1318 for third reading:

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

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

Roll Call: 93: 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 sponsor: Senator Holdman.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1350, 1389, 1405 and 1508 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as coauthor of House Bill 1139.

BRAUN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as coauthor of House Bill 1250.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morris and Candelaria Reardon be added as coauthors of House Bill 1289.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be added as coauthor of House Bill 1305.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1312.

NEGELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Bill 1335.

KIRCHHOFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1351.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1386.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1389.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Leonard and Lawson be added as coauthors of House Bill 1391.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Bill 1392.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be added as coauthor of House Bill 1408.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pryor and Engleman be added as coauthors of House Bill 1431.

GIAQUINTA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Soliday be added as coauthor of House Bill 1472.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Arnold, Austin, Bacon, Baird, Bartlett, Bauer, Behning, Beumer, Borders, Bosma, Braun, C. Brown, T. Brown, Candelaria Reardon, Carbaugh, Cherry, Clere, Cook, Culver, Davisson, DeLaney, DeVon, Dvorak, Eberhart, Ellington, Engleman, Errington, Forestal, Friend, Frizzell, Frye, GiaQuinta, Goodin, Gutwein, Hamilton, Hamm, Harris, Hatfield, Heaton, Heine, Huston, Jordan, Judy, Karickhoff, Kersey, Kirchhofer, Klinker, Lawson, Lehe, Lehman, Leonard, Lucas, Lyness, Macer, Mahan, May, Mayfield, Miller, Moed, Morris, Morrison, Moseley, Negele, Nisly, Ober, Olthoff, Pelath, Pierce, Porter, Pressel, Pryor, Richardson, Saunders, Schaibley, Shackelford, Siegrist, Slager, Smaltz, M. Smith, V. Smith, Soliday, Speedy, Stemler, Steuerwald, Sullivan, Summers, J. Taylor, Thompson, Torr, VanNatter, Washburne, Wesco, Wolkins, Wright, J. Young,

Zent, and Ziemke be added as coauthors of House Concurrent Resolution 18.

BURTON

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 60, 76, 77, 84, 85, 114, 129, 151, 156, 170, 172, 182, 249, 262, 275, 307, 345, 351, 358, 412, 417, 448, 545 and 549 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 8,9 and 12 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 House Concurrent Resolutions 17, 18, 19, 20 and 21 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Engleman, the House adjourned at 12:03 p.m., this ninth day of February, 2017, until Monday, February 13, 2017, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives