



# Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Thirty-third Day

Monday Afternoon

March 20, 2017

The invocation was offered by Pastor Gary Davey of First Church of the Nazarene in Spencer, a guest of Representative Heaton.

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 Klinker.

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

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	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 <input type="checkbox"/>
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
DeVon	Pelath
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Ellington	Pressel
Engleman	Pryor
Errington	Richardson
Forestal	Saunders
Friend <input type="checkbox"/>	Schaibley
Frizzell	Shackelford
Frye	Siegrist
GiaQuinta	Slager
Goodin	Smaltz
Gutwein	M. Smith
Hamilton	V. Smith <input type="checkbox"/>
Hamm	Soliday
Harris	Speedy
Hatfield	Stemler
Heaton	Steuerwald
Heine	Sullivan
Huston <input type="checkbox"/>	Summers
Jordan	J. Taylor
Judy	Thompson
Karickhoff	Torr
Kersey	VanNatter

Washburne  
Wesco  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 260: 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 Tuesday, March 21, 2017, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 121 as reprinted February 1, 2017.)

Committee Vote: Yeas 12, Nays 0.

STEUERWALD, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 256, 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 33, after "the" insert "**appointed**".

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 3. IC 14-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) The commission has ~~ten (10)~~ **fourteen (14)** voting members as follows:

- (1) The director or the director's designee.
- (2) The executive of the city of Indianapolis or the executive's designee.
- (3) The president of Indiana University or the president's designee.
- (4) Seven (7) members appointed by the governor as follows:
  - (A) One (1) member for a term ending December 31, 1995.
  - (B) Two (2) members for terms ending December 31, 1996.
  - (C) Two (2) members for terms ending December 31, 1997.
  - (D) Two (2) members for terms ending December 31, 1998.

**(5) Four (4) legislative members appointed by the governor from the recommendations made by the**

speaker of the house of representatives and the president pro tempore of the senate as follows:

(A) Two (2) legislative members must be members of the house of representatives, but may not be members of the same political party.

(B) Two (2) legislative members must be members of the senate, but may not be members of the same political party.

(b) The term of a legislative member is four (4) years, except for the following:

(1) A legislative member's membership on the commission is terminated when the legislative member ceases to be a member of the general assembly.

(2) A legislative member appointed to serve an unexpired term may serve only until the end of that term.

SECTION 4. IC 14-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. The term of a voting member who is not a member of the general assembly is four (4) years. However, if an appointee is appointed to serve an unexpired term, the appointee serves only until the end of the unexpired term.

SECTION 5. IC 14-13-1-9 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 9: (a) In addition to the voting members of the commission, the governor shall appoint four (4) legislative members from the general assembly from recommendations made by the speaker of the house of representatives and the president pro tempore of the senate as follows:

(1) Two (2) legislative members must be members of the house of representatives, but may not be members of the same political party.

(2) Two (2) legislative members must be members of the senate, but may not be members of the same political party.

(b) The legislative members may not:

(1) vote in proceedings of the commission; and

(2) be counted for purposes of establishing a quorum.

(c) The term of a legislative member is four (4) years, except for the following:

(1) A legislative member's membership on the commission is terminated when the legislative member ceases to be a member of the general assembly.

(2) A legislative member appointed to serve an unexpired term may serve only until the end of that term.

SECTION 6. IC 14-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) The governor shall annually designate:

(1) one (1) of the voting members of the commission as chairman; and

(2) one (1) of the voting members of the commission as treasurer;

for terms expiring December 31.

(b) A member designated under subsection (a)(1) or (a)(2) may not be a member of the general assembly.

SECTION 7. IC 14-13-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12. (a) The commission shall meet on call of any of the following:

(1) The chairman.

(2) The executive director.

(3) Any three (3) voting five (5) members.

(b) Seven (7) voting One half (1/2) plus one (1) of the appointed members of the commission constitute a quorum.

SECTION 8. IC 14-13-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. (a) Each voting member who is not a member of the general assembly, is entitled to reimbursement for traveling and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. Each voting member who is not a state employee is entitled to the minimum salary per diem as

provided in IC 4-10-11-2.1(b).

(b) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council."

(Reference is to SB 256 as printed January 31, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 316, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 316 as reprinted January 31, 2017.)

Committee Vote: Yeas 12, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, line 24, strike "Class A misdemeanor." and insert "Level 6 felony."

Page 12, after line 28, begin a new paragraph and insert:

"SECTION 3. IC 35-46-1-21, AS AMENDED BY P.L.21-2010, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 21. (a) As used in this section, "advertisement" means any communication by any medium within the borders of Indiana, including print advertisements, digital advertisements, radio, television, and outdoor advertising signs.

(a) (b) Only a person that is an attorney licensed to practice law in Indiana or a child placing agency licensed under the laws of Indiana may place a paid an advertisement or paid listing of the person's telephone number, on the person's own behalf, in a telephone directory that:

(1) a child is offered or wanted for adoption; or

(2) the person is able to place, locate, or receive a child for adoption.

(b) (c) A person described in subsection (b) that publishes a telephone directory that is distributed places an advertisement in Indiana

(1) shall include, at the beginning of any classified heading for adoption and adoption services, a statement that informs directory users that only attorneys licensed to practice law and licensed child placing agencies may legally provide adoption services under Indiana law; and (2) may publish an advertisement described in subsection (a) in the telephone directory only if the advertisement contains the following: shall include the following in the advertisement:

(A) (1) For an attorney licensed to practice law in Indiana, the person's attorney number.

(B) (2) For a child placing agency licensed under the laws of Indiana, the number on the person's child placing agency license.

(c) (d) A person who knowingly or intentionally violates subsection (a) (b) commits unauthorized adoption advertising, a Class A misdemeanor. Level 6 felony."

Renumber all SECTIONS consecutively.

(Reference is to SB 332 as printed February 10, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 539, 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 11, line 23, delete "of transcription" and insert "**or transcription**".

Page 13, line 9, after "IC 3-11-10" insert "**or IC 3-11.5-4**".

Page 18, line 16, delete "of omissions" and insert "**or omissions**".

Page 20, line 35, delete "of omission" and insert "**or omission**".

Page 25, line 2, delete "marriage" and insert "**birth**".

Renumber all SECTIONS consecutively.

(Reference is to SB 539 as reprinted February 8, 2017.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

STEUERWALD, Chair

Report adopted.

#### RESOLUTIONS ON FIRST READING

##### House Concurrent Resolution 48

Representatives M. Smith, Bartlett, Lucas, Pryor, Smaltz and Macer introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION recognizing the National Court Appointed Special Advocate Association (CASA).

*Whereas, The Child Advocates Network is composed of Guardian ad Litem and Court Appointed Special Advocate programs from 79 of Indiana's 92 counties;*

*Whereas, GAL/CASA programs recruit, screen, train and supervise volunteers who advocate for abused and neglected children in Child in Need of Services (CHINS) and Termination of Parental Rights cases;*

*Whereas, GAL/CASA volunteers spend substantial time with children in foster care to ascertain what is in the child's best interests in court cases and make recommendations to the courts about the child's needs and desires;*

*Whereas, GAL/CASA volunteers also serve as positive role models for children who may not otherwise have consistent, stable and meaningful relationships with adults in their lives;*

*Whereas, GAL/CASA volunteers also ensure that services are offered and provided to children involved in the court system who otherwise might not receive needed services;*

*Whereas, GAL/CASA volunteers monitor the safety, well-being and permanence of children while they are wards of the court in child abuse and neglect cases;*

*Whereas, GAL/CASA volunteers are the only voice for abused and neglected children in child abuse and neglect and termination of parental rights cases;*

*Whereas, GAL/CASA volunteers donate over half a million hours advocating for Indiana's children each year, saving the State of Indiana at least \$31,000,000 each year; and*

*Whereas, Indiana has over 4,000 GAL/CASA volunteers who provided a voice for 26,762 children in child abuse and neglect cases and for 2,920 children in termination of parental rights cases in 2016: Therefore,*

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

SECTION 1. That the Indiana General Assembly wishes to recognize the National Court Appointed Special Advocate Association for their dedication to abused and neglected children.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the National Court Appointed Special Advocate Association

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

##### House Concurrent Resolution 49

Representatives Karickhoff and VanNatter introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION memorializing Deputy Carl Koontz.

*Whereas, Deputy Carl Koontz and Sergeant Jordan Buckley were shot while serving arrest and search warrants for possession of a syringe in Russiaville;*

*Whereas, Deputy Carl Koontz later died from his injuries on March 20, 2016, at IU Health Methodist Hospital in Indianapolis;*

*Whereas, Deputy Carl Koontz was 26 years old and was a three year veteran of the Howard County Sheriff's Department;*

*Whereas, Born on April 8, 1989, Deputy Koontz graduated from Western High School and received his bachelor's degree in business finance from Indiana University at Kokomo;*

*Whereas, Deputy Koontz graduated from the Police Academy in November 2013;*

*Whereas, Deputy Koontz is survived by his wife, Kassie, and son, Noah;*

*Whereas, Deputy Koontz was known by all who came in contact with him as a truly kind and compassionate person who was particularly devoted to the youth of Indiana;*

*Whereas, The distinguished service of Deputy Carl Koontz brought pride and honor to the state of Indiana; and*

*Whereas, Deputy Carl Koontz paid the ultimate price while defending the people of Howard County and the state of Indiana; he is a true Hoosier hero: Therefore,*

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

SECTION 1. That the Indiana General Assembly expresses its deepest appreciation for the service of Deputy Koontz, and its great sadness on his death. Deputy Koontz is truly a shining example of what is good and compassionate in mankind.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Deputy Carl Koontz.

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

The House stood for a moment of silence to memorialize Deputy Carl Koontz.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

**House Concurrent Resolution 51**

Representatives Davisson, Engleman and Goodin introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION congratulating the Eastern High School girls basketball team.

*Whereas, The girls basketball team of Eastern High School in Pekin, Indiana, had a phenomenal 2017 season;*

*Whereas, On February 25, 2017, at Bankers Life Fieldhouse in Indianapolis, Indiana, the Eastern High School girls basketball team became the Class 2A state champions;*

*Whereas, The Musketeers defeated Oak Hill 42-31 in the championship game, marking the school's first state championship title;*

*Whereas, The 2017 state championship title was the first won in any sport, at any school, anywhere in Washington County, Indiana;*

*Whereas, In order to reach the championship game, the Eastern Musketeers defeated South Knox, South Ripley, and Covenant Christian high schools;*

*Whereas, The team concluded the season with a 15-game winning streak;*

*Whereas, Head coach Michael McBride and the team finished the championship season with an impressive record of 23-7; and*

*Whereas, Outstanding accomplishments such as this deserve special recognition: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates the Eastern High School girls basketball team on its Class 2A state championship and wishes the team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each team member, student manager, assistant coach, head coach Michael McBride, athletic director Scott Newcomb, principal Darin Farris, and superintendent Dennis Stockdale.

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

**House Resolution 40**

Representatives Judy and Wolkins introduced House Resolution 40:

A HOUSE RESOLUTION congratulating the Whitko High School art students who participated in the 47th World School Children's Art Exhibition.

*Whereas, The World School Children's Art Exhibition is held "to promote mutual understanding and friendship among the young generation of the world through the exchange of children's art work";*

*Whereas, The exhibition is organized by the Association for Education through Art, the Republic of China, and the Association of Formative Art Education for the Republic of China;*

*Whereas, The exhibition is open to schoolchildren ages 6 through 15;*

*Whereas, Students from Whitko High School, South Whitley, participated in the 47th World School Children's Art Exhibition in Taipei in the Republic of China;*

*Whereas, Art students from all over the world submitted oil paintings, watercolors, wood cut prints, pencil sketches, crayon drawings, pastels, collages, etchings, graphic designs, and various other artworks as entries into the 47th World School Children's Art Exhibition;*

*Whereas, Shianna Bradley, age 15, received a selected certificate for her piece "Self Expression", Emalee Duggins, age 15, received a selected certificate for her piece "And One", Charles French, age 15, received a selected certificate for his piece "Mountain Man", Kiara Galloway, age 15, received a selected certificate for her piece "Capturing the Moment", Sarah Hewitt, age 15, received a selected certificate for her piece "Taxi", Joshua Reynaud, age 15, received a selected certificate for his piece "On Looker", and Isaiah Pierce, age 15, received a selected certificate for his piece "Down the Tracks";*

*Whereas, Whitko High School art students have received numerous awards for their exceptional artwork; and*

*Whereas, The accomplishments of this outstanding group of students and their dedicated teacher should be recognized by all of the people of Indiana: Therefore,*

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

SECTION 1. That the Indiana House of Representatives congratulates the Whitko High School art students who have used their great creativity and their artistic expression to forge new friendships and understanding across the world at the 47th World School Children's Art Exhibition in Taipei in the Republic of China.

SECTION 2. That the students and art teacher Daniel Malicki are to be commended for their accomplishments.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to John Snyder, Whitko High School principal; Kati Todd, Whitko High School assistant principal; Daniel Malicki, Whitko High School Art Department; and Shianna Bradley, Emalee Duggins, Charles French, Kiara Galloway, Sarah Hewitt, Isaiah Pierce, and Josh Reynaud who participated in the World School Children's Art Exhibition.

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

**House Resolution 41**

Representative Sullivan introduced House Resolution 41:

A HOUSE RESOLUTION urging Congress to study the modernization of the International Symbol of Access.

*Whereas, The International Symbol of Access (ISA) was created in 1968 as an entrant for a design contest to find a symbol meant to designate accessible facilities;*

*Whereas, The International Organization for Standardization (ISO) later added the ISA to its standards, and the symbol was also approved for use by the United Nations in 1974;*

*Whereas, The ISA has become a universally recognized symbol for accessibility;*

*Whereas, The ISA has not been updated since adopted formally by the ISO despite changing views of persons with disabilities;*

*Whereas, The current symbol may be conveyed as portraying only certain types of disability despite representing all persons with disabilities;*

*Whereas, There has been a movement to modernize the ISA to reflect the changes in society that have happened over the last 40 years;*

*Whereas, The State of New York and cities across the United States of America have formally adopted a new, modernized ISA; and*

*Whereas, Updating the ISA would properly reflect the current societal views of persons with disabilities and portray them in a more positive and empowering manner: Therefore,*

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

SECTION 1. That the Indiana House of Representatives urges Congress to study the modernization of the International Symbol of Access.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the Indiana Congressional delegation.

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

### **Senate Concurrent Resolution 19**

The Speaker handed down Senate Concurrent Resolution 19, sponsored by Representative Richardson:

A CONCURRENT RESOLUTION recognizing the Noblesville Cultural Arts District.

*Whereas, The Indiana Arts Commission has named the city of Noblesville to the Indiana Statewide Cultural Districts Program;*

*Whereas, The Noblesville Arts Council was formed in August 2013 to begin collaborative efforts to improve and enhance a culture of arts, with an emphasis on creating a downtown cultural arts district for Noblesville;*

*Whereas, On August 16, 2016, the Noblesville Common Council designated the Noblesville Cultural Arts District to enhance a culture of arts, and create universal access for Noblesville artists and cultural arts organizations to contribute to the vibrancy of the area in a collaborative and supportive arts community;*

*Whereas, The designation comes after years of work from the Noblesville Arts Council, represented by 19 area organizations, made up of artists, art organizations, city and county government, local businesses, local economic-development groups, local schools and the library;*

*Whereas, The Noblesville Cultural Arts District includes the city's latest public park, Federal Hill Commons, which features an amphitheater near the White River, and also encompasses the Logan Street Sanctuary, local artist residences and in-home studios, as well as Seminary Park;*

*Whereas, Establishing the cultural arts district will encourage continued collaboration among Noblesville's most creative organizations, events and historic and cultural assets, and contribute to sustainable creativity and innovation within Noblesville;*

*Whereas, Currently, Noblesville offers more than 300 cultural arts events through collaborative efforts of diverse organizations each year;*

*Whereas, The cultural arts attract residents and tourists who also support adjacent businesses such as restaurants, lodging, and retail, and the presence of cultural arts also enhances property values, the profitability of surrounding businesses and the area's tax base;*

*Whereas, Cultural Arts Districts provide cities with a better quality of life and allow them to brand themselves as creative and cultured in order to promote tourism, attract new residents and encourage new business;*

*Whereas, Noblesville joins Bloomington, Carmel, Columbus,*

*Lafayette, Madison, and Nashville in the Indiana Statewide Cultural Districts Program;*

*Whereas, The Noblesville Cultural Arts District is defined by its people, places and experiences, and the weaving of these assets and their integration in the downtown area offers a concentration of initiatives that create an engagement and preserve the uniqueness of Noblesville; and*

*Whereas, It is fitting that the Indiana General Assembly recognizes the Noblesville Cultural Arts District: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the Noblesville Cultural Arts District.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to John Ditslear, Mayor of Noblesville, and Joni Corbett, President of the Noblesville Cultural Arts Commission.

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

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

### **Senate Concurrent Resolution 27**

The Speaker handed down Senate Concurrent Resolution 27, sponsored by Representatives McNamara, Sullivan, Hatfield, Bacon and Washburne:

A CONCURRENT RESOLUTION honoring the North High School girls golf team on its 2016 Indiana High School Athletic Association ("IHSAA") state championship title.

*Whereas, On October 1, 2016, the North High School Lady Huskies golf team made history by winning the 44<sup>th</sup> annual Indiana High School Athletic Association girls golf state championship title;*

*Whereas, With this achievement the Lady Huskies golf team became the fifth athletic team in school history to win a state title, the first team from North to win three state titles, and the first athletic team from the Evansville Vanderburgh School Corporation to win state titles three years in a row;*

*Whereas, The North High School Lady Huskies golf team was undefeated for the third year in a row and all five players were selected to the City and Southern Indiana Athletic Conference teams;*

*Whereas, The Lady Huskies also won five golf tournaments, were ranked #1 and #2 in Indiana for the entire golf season, and had the lowest score ever in girls golf IHSAA Sectionals of 290;*

*Whereas, In the IHSAA tournament, leading up to the winning of the state championship, the North Lady Huskies golf team won the sectional championship for the fifth year in a row and were regional champions for the third straight year;*

*Whereas, The 2016 state champion North High School Lady Huskies golf team includes players Lily Bittner, Hannah Davis, Katelyn Le, Trinity Ransom, Brittany Skinner, Katelyn Skinner, Hadley Walts, and Abigail Whittington;*

*Whereas, The 2016 state champion North High School Lady Huskies golf team was coached by Ken Wempe;*

*Whereas, The members of the North High School girls golf team are student-athletes who managed to balance countless hours of golf on top of a full academic course load, and the Indiana General Assembly commends these scholar-athletes for*

*their commitment to both academics and athletics; and*

*Whereas, It is fitting that the Indiana General Assembly congratulates the North High School girls golf team on its successful season and state championship title: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors the North High School girls golf team on its 2016 IHSAA state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lily Bittner, Hannah Davis, Katelyn Le, Trinity Ransom, Brittany Skinner, Katelyn Skinner, Hadley Walts, Abigail Whittington, Ken Wempe, Andrew Huff, and John Skinner.

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

**Senate Concurrent Resolution 33**

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representatives DeVon, Wesco and Bauer:

A CONCURRENT RESOLUTION honoring the Penn High School state champion Spell Bowl team.

*Whereas, On November 12, 2016, Penn High School won the Spell Bowl state championship, claiming its 16<sup>th</sup> state crown in the annual spelling competition;*

*Whereas, Penn won Class 1 with a score of 89 out of a possible 90, the highest score of all participating schools in all classes;*

*Whereas, Penn finished the season undefeated, also winning seven invitationals and regional tournaments;*

*Whereas, The Penn High School Spell Bowl championship team was coached by Peter DeKeever, who has led the Penn High School Spell Bowl team to multiple state championship titles;*

*Whereas, Perfect spellers for Penn were Amy Bernard, Muqsit Buchh, Chelsea Chen, Maggie Finnessy, Hassan Kahn, Yewon Oh, Hannah Smith, Michelle Tapp, and Karen Wang; and*

*Whereas, It is fitting that the Indiana General Assembly honors the Penn High School Spell Bowl team on its successful season and state championship title: 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 congratulates the Penn High School state champion Spell Bowl team.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Steve Hope, Principal of Penn High School, and Peter DeKeever, coach of the Penn High School Spell Bowl team.

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

**Senate Concurrent Resolution 36**

The Speaker handed down Senate Concurrent Resolution 36, sponsored by Representative Hamilton:

A CONCURRENT RESOLUTION honoring the Junior League of Indianapolis ("JLI") on the occasion of its 95th anniversary.

*Whereas, The Junior League of Indianapolis ("JLI") was founded in 1922, and has spearheaded countless community service initiatives over its 95 years, including founding the Occupational Therapy Department at Riley Hospital for Children, playing a key role in the city's hospitality efforts at the 1987 Pan Am Games, establishing the Docent Program at the Indianapolis Museum of Art, and leading the first Susan G. Komen Race for the Cure;*

*Whereas, JLI is committed to furthering its missions of promoting voluntarism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers;*

*Whereas, JLI has served as an incubator of talent and for 95 years has invested in the future of its leaders and the community by training, mentoring, and inspiring generations of women to work together to build a better community;*

*Whereas, JLI has served Marion County and the surrounding areas with projects focusing on social support, family support, and access to strong educational programming and resources;*

*Whereas, JLI members serve as volunteers to the city and have demonstrated an unparalleled commitment to community service in Indianapolis for generations;*

*Whereas, JLI partners with over a dozen organizations each year to invest over \$200,000 in funding and countless volunteer hours to build a better community since 2013, which equates to an investment of over one million dollars in Central Indiana;*

*Whereas, JLI held its inaugural "Around the Community - Around the Clock" event in 2016, during which more than 160 members engaged in 94 hours of continuous community service in donating a combined total of 506 volunteer hours to 13 nonprofit organizations;*

*Whereas, JLI is expanding the "Around the Community - Around the Clock" event to 95 continuous hours of community service in honor of its 95<sup>th</sup> anniversary in 2017;*

*Whereas, JLI intends to expand "Around the Community - Around the Clock" by one hour each year, leading up to 100 hours to celebrate its 100<sup>th</sup> anniversary in 2022; and*

*Whereas, It is fitting that the Indiana General Assembly honors JLI on the occasion of its 95<sup>th</sup> anniversary, commends JLI for its enduring commitment to bettering the community, and thanks JLI for its immeasurable service to Indianapolis: Therefore,*

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

SECTION 1. That the Indiana General Assembly honors the Junior League of Indianapolis ("JLI") on the occasion of its 95th anniversary and thanks JLI for its many years of service to the community.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Michelle Study-Campbell, President of the Junior League of Indianapolis.

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

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

### **ENGROSSED SENATE BILLS ON SECOND READING**

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 2, 13, 37, 49, 55, 73, 77, 100, 172, 226, 275, 294, 340, 382 and 387.

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

### **ENGROSSED SENATE BILLS ON THIRD READING**

#### **Engrossed Senate Bill 64**

Representative Steuerwald called down Engrossed Senate Bill 64 for third reading:

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

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

Roll Call 261: 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.

Representatives Lawson and VanNatter, who had been present, are now excused.

#### **Engrossed Senate Bill 114**

Representative DeVon called down Engrossed Senate Bill 114 for third reading:

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

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

Roll Call 262: yeas 82, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 119**

Representative Bacon called down Engrossed Senate Bill 119 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

#### **HOUSE MOTION**

Mr. Speaker: I move that Engrossed Senate Bill 119 be returned to the second reading calendar forthwith for the purpose of amendment.

#### **BACON**

Motion prevailed.

#### **Engrossed Senate Bill 152**

Representative Zent called down Engrossed Senate Bill 152 for third reading:

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

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

Roll Call 263: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

#### **Engrossed Senate Bill 248**

Representative Huston called down Engrossed Senate Bill 248 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 264: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 253**

Representative Ober called down Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT concerning labor and safety.

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

Roll Call 265: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 323**

Representative McNamara called down Engrossed Senate Bill 323 for third reading:

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

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

Roll Call 266: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

#### **Engrossed Senate Bill 384**

Representative Frye called down Engrossed Senate Bill 384 for third reading:

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

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

Roll Call 267: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 390**

Representative Karichhoff called down Engrossed Senate Bill 390 for third reading:

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

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

Roll Call 268: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 443**

Representative Carbaugh called down Engrossed Senate Bill 443 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

Roll Call 269: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

**RECESS**

The House reconvened at 3:45 p.m. with the Speaker in the Chair.

Upon request of Representative DeLaney, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 270: 68 present. The Speaker declared a quorum present.

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

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

**ENGROSSED SENATE BILLS  
ON SECOND READING**

**Engrossed Senate Bill 120**

Representative Steuerwald called down Engrossed Senate Bill 120 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 293**

Representative Lehe called down Senate Bill 293 for second reading. The bill was read a second time by title.

**HOUSE MOTION  
(Amendment 293-1)**

Mr. Speaker: I move that Engrossed Senate Bill 293 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 23-14-42.5-1, AS ADDED BY P.L.176-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "animal" refers to a:

- (1) law enforcement animal; or
- (2) ~~service~~ **military** animal.

SECTION 2. IC 23-14-42.5-6, AS ADDED BY

P.L.176-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. As used in this chapter, "service "military animal" refers to ~~an animal~~ **trained as:**

- (1) a hearing animal;
- (2) a guide animal;
- (3) an assistance animal;
- (4) a seizure alert animal;
- (5) a mobility animal;
- (6) a psychiatric service animal; or
- (7) an autism service animal.

**a military working dog described in 10 U.S.C. 2583."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 293 as printed March 17, 2017.)

GUTWEIN

Motion prevailed.

**HOUSE MOTION  
(Amendment 293-2)**

Mr. Speaker: I move that Engrossed Senate Bill 293 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this chapter, "committee" refers to the special interim study committee on redistricting established by subsection (b).

(b) The special interim study committee on redistricting is established.

(c) The committee has the following voting members:

(1) The following members appointed by the president pro tempore:

- (A) Two (2) members of the senate.
- (B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(2) The following members appointed by the minority leader of the senate:

- (A) Two (2) members of the senate.
- (B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(3) The following members appointed by the speaker:

- (A) Two (2) members of the house.
- (B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(4) The following members appointed by the minority leader of the house:

- (A) Two (2) members of the house.
- (B) One (1) lay member who is not a member of the general assembly, is a resident of Indiana, and has experience, training, or education in matters related to state legislative or congressional office redistricting and reapportionment.

(d) A lay member appointed under subsection (c) may not be:

- (1) an employee of Indiana state government;
- (2) an Indiana statewide elected official; or
- (3) an individual who is required to register as a lobbyist under IC 2-7-2 or who is employed by an individual or entity that is required to register as a lobbyist under IC 2-7-2.

(e) The minority leader of the house and the minority leader of the senate may jointly select one (1) individual to



provide consulting services on matters studied by the committee.

(f) The speaker and the president pro tempore may jointly select one (1) individual to provide consulting services on matters studied by the committee.

(g) An individual selected under subsection (e) or (f) is entitled to compensation and expense reimbursement in accordance with the policies and rules of the legislative council. All funds necessary for the services provided under this section shall be paid from appropriations to the legislative council and the legislative services agency.

(h) IC 2-5-1.2 applies to the operation of the committee. However:

(1) the speaker shall appoint the chair of the committee;

(2) the president pro tempore shall appoint the vice chair of the committee;

(3) the chair of the committee, the vice chair of the committee, and each member of the committee serve at the will of the appointing authority; and

(4) if the chair of the committee establishes a subcommittee under subsection (i), the chair of the committee shall appoint the members of the subcommittee from among the members of the study committee and the chair of the subcommittee from among the members of the subcommittee.

(i) The chair of the committee may establish not more than two (2) subcommittees to be in existence at the same time to assist the committee.

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

(k) The committee shall do the following:

(1) Review state and federal laws and court cases related to state and federal laws governing the design and establishment of election districts.

(2) Study the manner in which each state establishes districts for the election of state legislators and members of Congress, including the following:

(A) What entities or individuals propose, take public testimony concerning, evaluate, and finally adopt redistricting plans.

(B) The manner in which individuals engaged in the redistricting process are selected.

(C) The required qualifications for individuals engaged in the redistricting process.

(D) The standards and guidelines used to develop and finally adopt redistricting plans.

(E) The process used to develop and finally adopt redistricting plans.

(F) The role of the state legislature and its committees in proposing, taking public testimony concerning, evaluating, and finally adopting redistricting plans and the manner in which the state legislature and its committees interact with other bodies (if any) established for the redistricting process.

(G) The required or typical schedule over which redistricting plans are developed and finally adopted.

(H) Any unique rights or procedures applicable to the review or appeal of an adopted redistricting plan or changes in a redistricting plan that has been found in an adjudication to be invalid.

(I) Costs incurred in the redistricting process.

(3) Review the experience (including litigation history) states have had with using redistricting commissions

and other methods to establish redistricting plans after each decennial census, including approaches similar to the provisions in Indiana law (IC 3-3-2-1) that provide for a redistricting commission to establish congressional districts in Indiana if the general assembly fails to establish congressional districts within the time permitted by law.

(4) Evaluate (to the extent possible) the positive benefits and negative consequences in each state of the redistricting process and the criteria used to establish election districts on state legislative and congressional elections in that state, including the following:

(A) The extent to which campaigns for state legislative and congressional offices are competitive and the extent to which the redistricting process and the criteria used to establish election districts have contributed to furthering competitive elections.

(B) The extent to which women and minorities are elected to state legislative and congressional offices and the extent to which the redistricting process and the criteria used to establish election districts in each state have contributed to furthering diversity, relative to the population of the state as a whole.

(5) Evaluate:

(A) the potential positive benefits of;

(B) potentially negative consequences of;

(C) estimated costs of; and

(D) the issues that would need to be addressed for; a change in the method for establishing districts for the election of members of the general assembly and members of Congress from Indiana if the change were made.

(6) Study any other matter assigned by the legislative council.

(l) To the extent practicable, the committee shall solicit the receipt of expert testimony on the matters studied by the committee, including testimony from the National Conference of State Legislatures, the Council of State Governments, and other nationally recognized experts.

(m) The committee shall submit a final report to the legislative council before December 1, 2018, and the interim reports requested by the legislative council. The final report must include at least the following:

(1) A description of the alternative approaches that could be used in Indiana to establish districts for the election of members of the general assembly and members of Congress from Indiana.

(2) A description of the types of standards and guidelines that could be used in Indiana to establish districts for the election of members of the general assembly and members of Congress from Indiana.

(3) An evaluation of what (if any) changes to the Constitution of the State of Indiana and state statutory law would be necessary or desirable to implement each of the approaches described in subdivisions (1) and (2).

(4) The:

(A) potential positive benefits of;

(B) potentially negative consequences of;

(C) estimated costs of; and

(D) issues that would need to be addressed for; the implementation and use of each of the approaches described in subdivisions (1) and (2).

(5) A recommendation that describes:

(A) the details of a redistricting process; and

(B) standards and guidelines for the establishment of districts;

for the election of members of the general assembly and members of Congress from Indiana that, in the opinion of the committee, would best serve the citizens of Indiana.

(n) This SECTION expires January 1, 2020."

Renumber all SECTIONS consecutively.  
(Reference is to ESB 293 as printed March 17, 2017.)

BARTLETT

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 271: yeas 31, nays 62. Motion failed. The bill was ordered engrossed.

**Engrossed Senate Bill 307**

Representative Baird called down Engrossed Senate Bill 307 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Engrossed Senate Bill 417**

Representative M. Smith called down Engrossed Senate Bill 417 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 417-1)

Mr. Speaker: I move that Engrossed Senate Bill 417 be amended to read as follows:

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

"SECTION 1. IC 2-1-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 0.5. (a) The general assembly finds that legislative redistricting should further fundamental purposes of a representative democracy and a republican form of government by affording the citizens of Indiana a meaningful choice in electing their representatives.**

**(b) The general assembly intends to do the following before the 2020 federal decennial census is taken:**

- (1) Establish an independent redistricting commission.**
- (2) Assign the legislative redistricting process that occurs after the 2020 federal decennial census is taken to the independent redistricting commission.**

SECTION 2. IC 3-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 0.5. (a) The general assembly finds that congressional redistricting should further fundamental purposes of the American representative democracy and a republican form of government by affording the citizens of Indiana a meaningful choice in electing their federal representatives.**

**(b) The general assembly intends to do the following before the 2020 federal decennial census is taken:**

- (1) Establish an independent redistricting commission.**
- (2) Assign the congressional redistricting process that occurs after the 2020 federal decennial census is taken to the independent redistricting commission."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 417 as printed March 17, 2017.)

HATFIELD

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment, Engrossed Senate Bill 417-1, violates House Rule 80. The amendment is assuredly germane to the bill's subject matter of elections.

HATFIELD  
PIERCE

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

The question was, Shall the ruling of the Chair be sustained?

Roll Call 272: yeas 64, nays 27. The ruling of the Chair was sustained.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

The bill was ordered engrossed.

**Engrossed Senate Bill 440**

Representative Leonard called down Engrossed Senate Bill 440 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 440-2)

Mr. Speaker: I move that Engrossed Senate Bill 440. Be amended to read as follows:

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

"SECTION 1. IC 6-2.5-5-51.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 51.5. Sales of tangible personal property are exempt from the state gross retail tax if the property is used for feminine hygiene."**

Renumber all SECTIONS consecutively.  
(Reference is to ESB 440 as printed March 17, 2017.)

HAMILTON

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 273: yeas 29, nays 65. Motion failed.

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

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

HOUSE MOTION  
(Amendment 440-3)

Mr. Speaker: I move that Engrossed Senate Bill 440 be amended to read as follows:

Page 8, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 2. IC 6-7-1-28.1, AS AMENDED BY P.L.213-2015, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 28.1. The taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

- (1) Four and twenty-two hundredths percent (4.22%) of the money shall be deposited in a fund to be known as the cigarette tax fund.
- (2) Six-tenths percent (0.6%) of the money shall be deposited in a fund to be known as the mental health centers fund.
- (3) The following amount of the money shall be deposited in the state general fund:
  - (A) After June 30, 2011, and before July 1, 2013, sixty and twenty-four hundredths percent (60.24%).
  - (B) After June 30, 2013, fifty-six and twenty-four hundredths percent (56.24%).
- (4) Five and forty-three hundredths percent (5.43%) of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.
- (5) Twenty-seven and five hundredths percent (27.05%) of the money, **plus all the revenue attributable to an increase in the cigarette tax that takes effect after June 30, 2017**, shall be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17.
- (6) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for provider reimbursements.
- (7) The following amount of the money shall be deposited in the state retiree health benefit trust fund established by

IC 5-10-8-8.5 as follows:

(A) Before July 1, 2011, five and seventy-four hundredths percent (5.74%).

(B) After June 30, 2011, and before July 1, 2013, zero percent (0%).

(C) After June 30, 2013, four percent (4%).

The money in the cigarette tax fund, the mental health centers fund, the healthy Indiana plan trust fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited under subdivisions (6) through (7) may not be used for any purpose other than the purpose stated in the subdivision."

Renumber all SECTIONS consecutively.

(Reference is to ESB 440 as printed March 17, 2017.)

SHACKLEFORD

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 274: yeas 31, nays 66. Motion failed. The bill was ordered engrossed.

#### Engrossed Senate Bill 549

Representative Speedy called down Engrossed Senate Bill 549 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 549-1)

Mr. Speaker: I move that Engrossed Senate Bill 549 be amended to read as follows:

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 2. IC 4-6-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.5. As used in this chapter, "health records" means written, electronic, or printed information possessed or maintained by a health care provider concerning any diagnosis, treatment, or prognosis of the patient, including health information that is possessed or maintained on microfiche, microfilm, or in a digital format. The term includes mental health records, alcohol and drug abuse records, and information required to remain private under the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L. 104-191).**

SECTION 3. IC 4-6-14-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 10.5. (a) This section applies only to a health care provider or former health care provider who is or was responsible for maintaining or possessing the health records that have been abandoned.**

**(b) The attorney general may file an action against a health care provider or former health care provider to recover costs incurred by the attorney general in implementing this chapter with respect to health records that have been abandoned by the health care provider or former health care provider.**

**(c) In an action filed under subsection (b), a court may order the health care provider or former health care provider to reimburse the attorney general's costs if the court finds that the health care provider or former health care provider intentionally or negligently abandoned the health records."**

Page 2, delete lines 1 through 6.

Page 2, line 7, delete "(c)" and insert "(d)".

Page 2, line 32, after "to" insert "a current or former health care provider (as defined by IC 4-6-14-2) who is".

Page 3, line 2, after "(a)" insert ", including health records (as defined by IC 4-6-14-2.5)".

Renumber all SECTIONS consecutively.

(Reference is to ESB 549 as printed March 10, 2017.)

SPEEDY

Motion prevailed. The bill was ordered engrossed.

#### OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as cosponsor of Engrossed Senate Bill 55.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Engrossed Senate Bill 172.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as cosponsor of Engrossed Senate Bill 196.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as cosponsor of Engrossed Senate Bill 253.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kersey be added as cosponsor of Engrossed Senate Bill 256.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Schaibley and Summers be added as cosponsors of Engrossed Senate Bill 332.

OLTHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Smaltz be removed as first sponsor and Representative Jordan be substituted therefor and Representatives Smaltz and Forestal be added as cosponsors of Engrossed Senate Bill 340.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as cosponsor of Engrossed Senate Bill 382.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Baird, Ellington, Candelaria Reardon be added as cosponsors of Engrossed Senate Bill 384.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Bosma, Bartlett, Cherry, Cook, Engleman, Lucas, Mahan, McNamara, Pressel, Shackelford, Stemler, J. Young, Olthoff and Schaibley be added as cosponsors of Engrossed Senate Bill 390.

KARICKHOFF

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

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Engrossed Senate Bill 539.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamilton be added as coauthor of House Concurrent Resolution 46.

BARTLETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Concurrent Resolution 48.

M. SMITH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1349 and 1488 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1010, 1019, 1020, 1064, 1123, 1189, 1245, 1268 and 1272 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 41, 43 and 51 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 19, 27, 33 and 36 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Hatfield, the House adjourned at 4:27 p.m., this twentieth day of March, 2017, until Tuesday, March 21, 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