



Journal of the House

State of Indiana

120th General Assembly

Second Regular Session

Twenty-Fifth Day

Monday Afternoon

February 26, 2018

The invocation was offered by Pastor R. E. Robinson from St. John Baptist Church in Gary, a guest of Representative C. Brown.

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 Gutwein.

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

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

Torr
VanNatter
Washburne
Wesco
Wolkins

Wright
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 206: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 27, 2018, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 37

The Speaker handed down Senate Concurrent Resolution 37, sponsored by Representative C. Brown:

A CONCURRENT RESOLUTION recognizing Earl Smith, Jr. on his induction into the 2018 Indiana Basketball Hall of Fame.

Whereas, Earl Smith, Jr. is a Gary native and 1952 graduate of Roosevelt High School where he was a three sport athlete competing in basketball, football and track and field;

Whereas, While in high school, Earl was twice a state champion in the long jump, and a three year starter for the boys' basketball team;

Whereas, Earl would go on to run track and play football for The University of Iowa Hawkeyes;

Whereas, In 1954, Earl was an all-Big Ten selection after leading the Hawkeyes football team in scoring;

Whereas, After college, Earl returned to the Gary Community School Corporation to teach and coach basketball;

Whereas, During his coaching career, Earl coached at Froebel, Emerson and Lew Wallace High Schools in Gary;

Whereas, In 26 seasons, his teams won 323 games, three sectional titles and three regional titles;

Whereas, In 1975, Earl took Emerson High School to the boys' basketball semifinals game;

Whereas, In 1980, Earl began coaching at Lew Wallace High School and won regional titles in 1983 and 1986;

Whereas, Earl's final position was Athletic Director for the City of Gary, a position he held for 14 years;

Whereas, In 2013, after 56 years with the Gary Community School Corporation, Earl retired;

Whereas, Earl is the brother of former State Senator, Earline Rogers who represented the City of Gary for 34 years;

Whereas, Earl was awarded the Gary Old Timers Athletic Association Lifetime Achievement Award in January, 2018; and

Whereas, Earl Smith, Jr. has contributed greatly to his community and the Gary Community School Corporation for many years, enhancing the lives of thousands of student-athletes through his leadership and talents: 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 Earl Smith, Jr. on his induction into the 2018 Indiana Basketball Hall of Fame.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Earl Smith, Jr. and former State Senator Earline Rogers

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 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Hatfield, Sullivan, McNamara, Washburne and Bacon:

A CONCURRENT RESOLUTION honoring Dr. Thomas Kazee and Dr. Sharon Kazee upon their retirements as President and first lady of the University of Evansville.

Whereas, Before being inaugurated as president of the University of Evansville on October 1, 2010, Dr. Thomas Kazee served on the faculty at Davidson College, as the Dean of the College at the University of the South, and as Provost and Executive Vice President at Furman University, while Dr. Sharon Kazee was a full-time educator for more than 30 years and served as the dean and vice president for arts and academics at the South Carolina Governor's School for the Arts and Humanities;

Whereas, Under President Kazee's leadership, the University of Evansville implemented a facilities master plan for renovations and additions to key academic buildings, secured the largest financial gift in UE history, constructed the McCarthy Greenhouse, completed land acquisitions around UE's learning center in England, and moved the historic Peters-Margedant House to the UE campus;

Whereas, During the Kazee's tenure, the University enhanced the Center for Career Development, created the "UE Guarantee" to ensure substantial financial aid, internships, study abroad, and four-year graduation, and added new academic programs including Statistics and Data Science, Masters in Public Health, Logistics and Supply Chain Management, Ethics and Social Change, University Studies, a Physician Assistant Masters program, Fellows program, and a Learning-in-Retirement program;

Whereas, President Kazee served in leadership roles on the Council of Independent Colleges, the National Association of Independent Colleges and Universities, the New American Colleges and Universities Consortium, and the Independent Colleges of Indiana;

Whereas, Dr. Sharon Kazee was instrumental in founding the DaVinci Institute, served on boards for the Signature School, Evansville Philharmonic Orchestra, St. Vincent-Evansville Hospital, University of Evansville Theatre Society, and the Evansville Museum as an advocate for arts and education, and participated in the Evansville Public Art Commission, the University of Evansville Art Collection Committee, Evansville Women Stepping Up, Women's Equality Day Planning Committee, the University of Evansville's President's Club

Executive Committee, and served as the chair of the Council of Independent Colleges' Presidential Spouses and Partners Task Force;

Whereas, Dr. Sharon Kazee received the University of Evansville's Theatre Society's 2017 Barbara St. Clair McKenna Award, the Arts Council of Southwestern Indiana's 2015 Arts Council Educator Award, the 2015 and 2017 Mayor's Arts Award for Education, and was a finalist for the 2012 Athena Award;

Whereas, Thomas and Sharon Kazee will step down on May 31, 2018, after serving eight years as the 23rd president and first lady of the University of Evansville; and

Whereas, During retirement, the Kazees plan to travel, visit with family, read, do some woodworking, and pick up the oboe again: 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 Dr. Thomas Kazee and Dr. Sharon Kazee upon their retirements as President and first lady of the University of Evansville and thanks them for their years of service and dedication to the University of Evansville, the Southwest Indiana community, and the State.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Dr. Thomas Kazee and Dr. Sharon Kazee

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 45

The Speaker handed down Senate Concurrent Resolution 45, sponsored by Representative Davisson:

A CONCURRENT RESOLUTION congratulating the Orleans Dogwood Festival on its 50th anniversary.

Whereas, Dogwood trees are known for bright and fragrant blooms in early spring, deep green leaves in summer, beautiful foliage in autumn, and red berries in the winter;

Whereas, Dogwood trees are native to the United States and grow in abundance in Southern Indiana, including the land around the town of Orleans in Orange County;

Whereas, Orleans successfully launched "Operation Dogwood" in the mid 1960's to have dogwood trees planted along roads, in the historic Congress Square, and in yards throughout the town;

Whereas, Hundreds of dogwood trees have been planted along State Road 37 in northern Orange County and bloom red, pink, and white flowers each April;

Whereas, Orleans celebrated the first Dogwood Festival in 1968 with a three day event;

Whereas, Governor Edgar Whitcomb officially proclaimed Orleans as the Dogwood Capital of Indiana in 1970; and

Whereas, The town of Orleans will celebrate the 50th Annual Orleans Dogwood Festival from April 21, 2018 through April 28, 2018: 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 town of Orleans on the 50th anniversary of the Orleans Dogwood Festival.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Orleans Dogwood Festival

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.

House Resolution 28

Representative Morris introduced House Resolution 28:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. That the members of the Indiana House of Representatives request the government of Turkey to reconsider its treatment of the Ecumenical Patriarchate of the Orthodox Christian Church.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Governor of the State of Indiana.

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

House Resolution 29

Representative DeLaney introduced House Resolution 29:

A HOUSE RESOLUTION recognizing the Indiana State Bar Association Leadership Development Academy.

Whereas, The Indiana State Bar Association Leadership Development Academy (LDA) empowers and develops lawyers to be informed, committed, and involved in order to serve as role models in matters of ethics and professionalism in local and state bar associations, Indiana communities, and organizations;

Whereas, The LDA Class of 2018, the seventh annual class of the program, consists of 25 Indiana lawyers who have been admitted to practice law for 15 years or less;

Whereas, LDA incorporates professional facilitators and prominent leaders from various disciplines to inform participants about leadership principles and techniques, the importance of effective leaders in organizations and governments for the maximization of efficiency and effectiveness, and the challenges and rewards of leadership in action;

Whereas, The LDA class members are selected from around the state and are exposed to topics such as public service, economic development, government, military, leadership, diversity and inclusion, and other related leadership topics;

Whereas, As LDA class members travel around the state, they actively engage in panel discussions, group activities, and demonstrations with faculty who include Indiana Supreme Court Justices, Court of Appeals and trial court judges, members of the executive and legislative branches of Indiana government, and prominent business and military leaders;

Whereas, One of the principal themes of the LDA is "Leadership begins with the attitude of a servant leader — to

serve first, and out of service we are given the honor to lead"; and

Whereas, February 19 and 20, 2018, mark the LDA session which will focus on local and state government by giving the class the opportunity to get acquainted with members of the Indiana Supreme Court and Court of Appeals, tour the Indiana Statehouse, the Birch Bayh Federal Building, and the United States Courthouse, discuss issues with Indiana legislators, and hear an oral argument: 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 the education provided by the Indiana State Bar Association's Leadership Development Academy.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana State Bar Association Leadership Development Academy and the members of the seventh annual class.

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

House Resolution 30

Representative Harris introduced House Resolution 30:

A HOUSE RESOLUTION honoring the Union Benefica Mexicana.

Whereas, The Union Benefica Mexicana (U.B.M.) became an official not-for-profit organization in November 1956, when three organizations, the Benito Juarez, the Cautemoc Association, and the Latin Steel Workers, united to form the Union Benefica Mexicana;

Whereas, The U.B.M. has been a pillar of the Mexican community in northwest Indiana since its inception, sponsoring youth activities such as folkloric dance groups, boxing teams, Little League teams, and soccer teams;

Whereas, Included in these sponsored activities is a pageant for the Queen of the Mexican Independence Day Parade, where the winner and her court receive a scholarship to assist and encourage them to pursue their education;

Whereas, Through the years, the U.B.M. has spoken out against discrimination, championed education, and pushed for equal employment opportunities in the work and political arenas;

Whereas, Ever present in the community, the U.B.M. is always in the forefront to assist during natural disasters, helping the needy and those affected by the disaster;

Whereas, For more than 60 years the U.B.M. has sponsored the Mexican Independence Day Parade, one of the oldest parades in northwest Indiana, which commemorates the independence of Mexico from Spain on September 16, 1810; and

Whereas, The Union Benefica Mexicana has been providing a place for the people of northwest Indiana to meet and learn about community resources and activities, to provide access to information on health, education and careers, and to provide a forum for Hispanic art and cultural exhibits for more than 60 years: 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 Union Benefica Mexicana for its many contributions to the northwest Indiana community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the leadership of the Union Benefica Mexicana.

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

House Resolution 31

Representative Harris introduced House Resolution 31:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate committee the topic of police officer and firefighter pension benefits.

Whereas, The 1925 Police Pension Fund, the 1937 Firefighters' Pension Fund, and the 1953 Police Pension Fund (collectively, the Old Plans), and the 1977 Police Officers' and Firefighters' Pension and Disability Fund (1977 Fund) provide retirement, disability, and survivor benefits to each fund's members, beneficiaries, and survivors;

Whereas, The Old Plans and the 1977 Fund currently provide a \$12,000 lump sum death benefit for all members, and the last time this benefit was increased was 2008;

Whereas, The Old Plans and the 1977 Fund currently provide a \$150,000 special death benefit for a member who dies in the line of duty, and the last time this benefit was increased was 1998; and

Whereas, The 1977 Fund provides an annual cost of living adjustment that is equal to the percentage increase in the Consumer Price Index (United States City Average) prepared by the United States Department of Labor with the annual increase in a fund member's or a survivor's monthly benefit being capped at 3%: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate committee the following topics concerning police officer and firefighter pension benefits:

- (1) The study of an increase in the lump sum death benefit.
- (2) The study of an increase in the special death benefit.
- (3) The study of the advisability of maintaining a 3% cap on the cost of living adjustment provided by the 1977 Fund.

The resolution was read a first time and referred to the Committee on Employment, Labor and Pensions.

House Resolution 32

Representative Richardson introduced House Resolution 32:

A HOUSE RESOLUTION recognizing the "Keep Noblesville Beautiful" organization.

Whereas, "Keep Noblesville Beautiful" is a community improvement organization providing educational and community action programs to the general public in the Noblesville area;

Whereas, These programs help government, businesses, and citizens work together to provide litter prevention and cleanup, neighborhood beautification, and other services that help make a healthy and safe community and provide a viable and sustainable impact on the lives of residents;

Whereas, "Keep Noblesville Beautiful" has partnered with organizations such as the Hamilton County Master Gardener Association, Hamilton County Probation Group, Friendly Northside Crime Watch Group, City of Noblesville Street, Parks, Urban Forestry and Clean Storm Water Departments, Noblesville Main Street, Noblesville Preservation Alliance, Serve Noblesville, Hamilton County Soil & Water, and others;

Whereas, "Keep Noblesville Beautiful" has given away over 1,800 tree saplings, recycled almost 8,000 pounds of metal, planted over 15,000 daffodil bulbs at city gateways, assisted over 250 homeowners with landscaping needs, collected over 750 bags of trash along Highway 37, recycled over 475,000 pounds of paper, and brought together over 850 volunteers who assisted with beautification projects in Historic Downtown neighborhoods, Federal Hill Commons, Belfry Theatre, Noblesville Post Office, and North and Noble Crossing Elementary Schools; and

Whereas, "Keep Noblesville Beautiful" acknowledges its sponsoring corporations that have provided funding to make this organization such a success: The Farmers Bank, IDI Composites International, Gaylor Electric, Cook & Cook Attorneys at Law, Martin & Martin Insurance Agency, Noblesville Family Chiropractic, Riverview Health, The Freeman Group of Tucker Real Estate, Ginger's Cafe, Meijer, Kroger, Bolden's Cleaners, Kahlo, Schwartz's Trailer Sales, Mobile Graphics, and others: 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 wishes to acknowledge the many accomplishments of the "Keep Noblesville Beautiful" organization and to urge it to keep working to keep the community beautiful.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the "Keep Noblesville Beautiful" organization.

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

House Resolution 33

Representatives Schaibley and Carbaugh introduced House Resolution 33:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of health care cost and value.

Whereas, The increasing cost of health care has been a major issue affecting the lives of Hoosiers since the 1970s;

Whereas, A study of health care cost and value should be conducted in an attempt to provide the right health care at the right price, stem rising health care costs, and improve overall health outcomes for individuals, families, and communities; and

Whereas, It is our duty to try to provide high quality, efficient, and cutting edge health care services to the citizens of the state of Indiana: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of health care cost and value.

SECTION 2. That if the legislative council assigns the topic to the appropriate study committee, the study committee shall do all of the following in connection with health care cost and value:

- (1) Study current reimbursement models with comparisons among Medicare, Medicaid, and private insurance.
- (2) With respect to health care payment models, the following:
 - (A) Evaluate comparative policy considerations concerning the use of a value-based model versus a volume-based, fee-for-service model.
 - (B) Identify potential incentives to enhance competition on value and decrease cost.

(C) Evaluate regulations for restrictions on competition to enhance market forces in determining provider prices and profitability.

(3) With respect to cost and outcome measurement, the following:

(A) Evaluate policies to encourage accurate cost measurement and patient awareness of outcomes and pricing.

(B) Evaluate advances in information technology to facilitate more accurate, reliable, relevant, user friendly, and timely outcome measurement structures and costing systems.

(4) With respect to mental health care policies, the following:

(A) Evaluate payment infrastructure.

(B) Evaluate potential gaps in addressing improved outcomes, diagnostics, and innovative practices.

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

House Resolution 34

Representative Candelaria Reardon introduced House Resolution 34:

A HOUSE RESOLUTION recognizing National Speech and Debate Education Day.

Whereas, National Speech and Debate Education Day is being celebrated on March 2, 2018;

Whereas, Established by the National Speech and Debate Association, in conjunction with national and local partners, this event serves to promote better instruction in speech and debate across all grade levels and to highlight the pivotal roles these abilities play in personal advocacy, social movements, and public policy making;

Whereas, Speech and debate education helps students develop important skills in communication, critical thinking, creativity, and collaboration through the practice of public speaking; participants not only learn to analyze and express complex ideas effectively but also to listen, concur, question, or dissent with reason and compassion;

Whereas, Across the country, countless educators devote in school, after school, and weekend time to supporting their students in speech and debate practices and competitions, and the example of hard work and dedication they set has lasting, positive impact on their pupils; and

Whereas, The skills learned through speech and debate serve students well throughout their lives, and this occasion presents a welcome opportunity to recognize such instruction as an essential component of a well rounded curriculum: 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 March 2, 2018, as National Speech and Debate Education Day in Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the National Speech and Debate Association.

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

House Resolution 35

Representative Bauer introduced House Resolution 35:

A HOUSE RESOLUTION recognizing "Farmworkers Awareness Week", the birthday of Cesar Chavez, and the work of Proteus, Inc.

Whereas, Indiana's agribusiness industry employs over 30,000 year-round, seasonal, and migrant farm workers who are key partners for the safety, security, and sustainability of our food supply;

Whereas, The labor of Indiana's farm workers contributes billions of dollars annually to the state's economy, and agriculture continues to be one of the principal industries in the state;

Whereas, Indiana honors all those who plant, cultivate, harvest, and process our agricultural products;

Whereas, March 31 is the birthday of Cesar Chavez, whose dedication to nonviolent organizing for just wages, safe labor conditions, and dignity for women, men, and children who toil in the fields moved him to lead a nationwide peaceful struggle for farm worker justice that continues today;

Whereas, Proteus, Inc. is an Iowa-based private 501(c)(3) nonprofit organization that has been serving migrant and seasonal farmworkers, immigrants, and others since 1979;

Whereas, In addition to offices in Iowa, Proteus serves a constituency in Indiana and Nebraska;

Whereas, Proteus, Inc. was created to help provide communities with health, educational, and economic opportunities;

Whereas, To achieve its goals, Proteus strives to make its programs accessible to as many members of the community as possible; embraces diversity in staff, recipients of services, program delivery, and in programs as a whole; develops a culture of respect and acceptance in its organization and general community; creates, evaluates, and maintains programs to meet the changing needs of our communities; and treats all people in an honest, caring, and respectful manner; and

Whereas, The agricultural industry is strong throughout our state, and the strength of the industry's workers continue to keep it great: 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 efforts of Indiana's farmworkers and their many contributions to the agricultural industry in our state. The members of the Indiana General Assembly also recognize the contributions of Cesar Chavez and acknowledge him on his birthday. Organizations like Proteus, Inc. help to bring a fair wage and safe and secure working environments to all the members of Indiana's agricultural labor force.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Kokomo chapter of Proteus, Inc.

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

House Concurrent Resolution 50

Representative C. Brown introduced House Concurrent Resolution 50:

A CONCURRENT RESOLUTION recognizing St. John Baptist Church on the occasion of the 100th anniversary of its founding.

Whereas, 2018 marks the 100th anniversary of the founding of St. John Baptist Church in Gary;

Whereas, St. John Baptist Church was founded in 1918 by a council of ministers that included the Reverend L.A. Thomas, the Reverend J.R. Butler, and the Reverend I.C. Ball;

Whereas, Led by the Reverend J.R. Butler, its first pastor, the church was established at 1725 Massachusetts Street and called Mount Zion Baptist Church;

Whereas, In 1929 the small congregation was rocked by adversity and split;

Whereas, The departing group established the St. John Baptist Church located at 2229 Washington Street;

Whereas, Under the guidance of the Reverend T.L. Ballou, the two congregations were reunited and continued to worship under the name of St. John Baptist Church;

Whereas, In 1936 a fire completely destroyed the structure; but, with the help of God and hard work, the congregation was able to rebuild the church under the guidance of the Reverend Leon Davis;

Whereas, The spirit of leadership and service displayed by the ministers and congregation has helped St. John Baptist Church stand out as a "Christian community in action";

Whereas, Through Godly leadership and influence, St. John Baptist Church has continued to serve the people of God both inside and outside of the church; and

Whereas, Since its establishment, St. John Baptist Church has served the community's needs and has stood as a pillar of the community for 100 years: 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 St. John Baptist Church on the occasion of the 100th anniversary of its establishment and thanks the clergy and the congregation for all their good works.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Reverend R. E. Robinson.

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 Melton.

House Concurrent Resolution 51

Representatives Macer, Siegrist, Richardson, Sullivan, V. Smith, J. Taylor, Klinker, Porter, Mahan, Bartels, Dvorak, Pelath, Davisson, Engleman, Lehman, DeLaney, Pryor, Goodin, Eberhart, Austin, Wright, Hamilton, Cook, DeVon, Saunders, Bartlett, Moseley, Stemler, Frye, Ellinton, Harris, Summers, GiaQuinta, Hatfield, C. Brown, Moed, McNamara, Negele, Slager, Bosma, Kirchofer, Olthoff, Huston, Cherry, Lawson, Forestal and Candelaria Reardon introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION honoring the Girl Scouts.

Whereas, For more than a century, before women even had the right to vote, Girl Scouts has been helping girls unleash their potential to make their communities and the world a better place;

Whereas, Girl Scouts of the USA recently launched the G.I.R.L. (Go-Getter, Innovator, Risk-Taker, Leader) Agenda Powered by Girl Scouts, a nonpartisan, multiyear initiative to inspire, prepare, and mobilize girls and those who care about them to lead positive change through civic action;

Whereas, This effort celebrates Girl Scouts' rich legacy of civic engagement, and for the first time ever, Girl Scouts is sharing its expert-curated resources, derived from renowned Girl Scouts programming, beyond its 2.6 million members because Girl Scouts believes in the power of every girl;

Whereas, Girl Scout Day at the Statehouse on February 26 is a day to unite to build an even brighter future for all by being a catalyst for change in communities and the world by coming together to take action on issues that matter to girls;

Whereas, Nearly 60 million women who are former Girl Scouts and leaders in their fields credit Girl Scouts with helping them build the skill sets that paved their road to success;

Whereas, Girl Scouts was founded in 1912 by Juliette Gordon Low, whose life mission was to build girls of courage, confidence, and character and, through her legacy, continues to have an extraordinary influence on the lives of millions of girls across the country; and

Whereas, Today more than 59 million American women are Girl Scout alumnae and 2.6 million girls and adult volunteers are active members: 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 applauds the Girl Scout movement and celebrates Girl Scout Day in recognition of the girl-led, all-girl space where girls thrive and develop their talents and leadership skills.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Girl Scouts of Indiana.

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

House Concurrent Resolution 52

Representatives Porter, Bartlett, C. Brown, Harris, Candelaria Reardon, V. Smith, Shackelford, Summers and J. Taylor introduced House Concurrent Resolution 52:

A CONCURRENT RESOLUTION commemorating the 50th anniversary of Senator Robert Kennedy's speech on April 4, 1968, following the assassination of Dr. Martin Luther King Jr.

Whereas, Robert F. Kennedy, a United States Senator from New York, was campaigning in Indiana on April 4, 1968, when he learned that Martin Luther King Jr. had been assassinated in Memphis, Tennessee;

Whereas, Senator Kennedy had been campaigning at the University of Notre Dame in South Bend and at Ball State University in Muncie when he learned that Dr. King had been shot;

Whereas, Upon arriving in Indianapolis, Senator Kennedy was informed that Dr. King had died;

Whereas, Despite fears of riots and concerns for his safety, Senator Kennedy attended a planned rally;

Whereas, Instead of the planned campaign speech, Senator Kennedy offered brief, impassioned remarks asking for peace;

Whereas, Although Senator Kennedy spoke for just five minutes, his remarks are considered to be one of the greatest speeches of the modern era;

Whereas, Senator Kennedy was the first to inform the crowd of the assassination of Dr. King from the back of a flatbed truck;

Whereas, Thanks to his remarks, there was no violence in Indianapolis on that horrible night, unlike many other American cities, where there was violence and rioting;

Whereas, On September 30, 1995, the Landmark for Peace was unveiled at Martin Luther King Jr. Park. It consisted of a

sculpture of Senator Kennedy and Dr. King reaching out to each other. Then-President Bill Clinton attended and spoke at the unveiling;

Whereas, The Indianapolis community has commemorated Senator Kennedy's speech annually since 2005 at the location of the original speech, Martin Luther King Jr. Park. There is also an annual remembrance on June 6 for Senator Kennedy on the anniversary of his untimely and tragic death;

Whereas, The Kennedy King Memorial Initiative (KKMI) was founded to plan the annual April 4 and June 6 events; the KKMI also raises money for improvements to Martin Luther King Jr. Park;

Whereas, United States Representative Andre Carson has filed H.R. 4851 (Kennedy King Establishment Act of 2018), which would designate Martin Luther King Jr. Park a National Historic Site and make it a part of the National Park Service. Representative Susan Brooks has signed on to the bill as a co-sponsor, along with the entire Indiana Congressional delegation. Representative John Lewis and other members of the Congressional Black Caucus also have signed on as co-authors of the bill. Finally, Representative Joseph P. Kennedy III has signed on as a co-sponsor, along with other members of Congress. Representative Kennedy is the grandson of the late Senator Robert F. "Bobby" Kennedy; and

Whereas, The remarks given by Senator Kennedy on April 4, 1968, will live on in the memory of all the people in the park that spring evening and in the minds of everyone who has ever heard them: 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 commemorates the memory of one of the greatest speeches in modern times and supports the designation of the park where Senator Kennedy delivered his remarks as a National Historic Site.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Andre Carson.

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 G. Taylor.

House Concurrent Resolution 53

Representatives Leonard and GiaQuinta introduced House Concurrent Resolution 53:

A CONCURRENT RESOLUTION congratulating Dr. Wendy Robinson on her selection as the 2018 Indiana Superintendent of the Year.

Whereas, Dr. Wendy Robinson, superintendent of the Fort Wayne Community School Corporation, has been named the Indiana Superintendent of the Year for 2018 by the Indiana Association of Public School Superintendents (IAPSS);

Whereas, With this honor, Dr. Robinson becomes Indiana's representative in the American Association of School Administrators National Superintendent of the Year program;

Whereas, Dr. Robinson has been superintendent of Fort Wayne Community Schools since 2003;

Whereas, Before becoming superintendent, Dr. Robinson served the district as an assistant principal, principal, area administrator, assistant superintendent, and deputy superintendent, giving her more than 30 years of experience as a school administrator;

Whereas, Dr. Robinson is an active member of the Fort Wayne community, forming partnerships with state and local agencies and businesses and serving on several state and local boards, including Greater Fort Wayne Inc. and Parkview Hospital;

Whereas, Dr. Robinson also served as the president of the Indiana Urban Superintendents Association (2012-2013) and formerly served as a member of the Indiana Education Roundtable;

Whereas, Dr. Robinson is recognized by the education community as a national leader in the area of urban education;

Whereas, Dr. Robinson is a graduate of DePauw University and has earned two master's degrees from Indiana University-Purdue University Fort Wayne and a doctorate from Ball State University; and

Whereas, Outstanding service to the community and the state such as this deserves 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 Dr. Wendy Robinson on her selection as the Indiana Superintendent of the Year for 2018. The members of the General Assembly know that Dr. Robinson will represent Indiana well at the National Superintendent of the Year competition.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Wendy Robinson.

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 L. Brown.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 6, 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 6 as printed January 11, 2018.)
Committee Vote: Yeas 9, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 125, 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 125 as printed February 2, 2018.)
Committee Vote: Yeas 9, Nays 0.

OBBER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 156, 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 156 as printed January 23, 2018.)

Committee Vote: Yeas 9, Nays 0.

OBBER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 178, 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 178 as reprinted January 31, 2018.)
Committee Vote: Yeas 10, Nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 20 through 21, begin a new line block indented and insert:

"(2) no party files an objection or request for a hearing within thirty (30) days after receiving notice;"

(Reference is to SB 179 as printed January 19, 2018.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 23 through 42.

Page 4, delete lines 1 through 2.

Page 4, delete lines 38 through 42.

Page 5, delete lines 1 through 4.

Page 5, line 5, delete "book under this section,".

Renumber all SECTIONS consecutively.

(Reference is to SB 197 as printed January 19, 2018.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 221, 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 8, between lines 4 and 5, begin a new line blocked left and insert:

"However, a practitioner is not required to obtain information about a patient who is subject to a pain management contract from the data base more than once every ninety (90) days."

(Reference is to SB 221 as printed January 19, 2018.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 223, 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 223 as reprinted February 2, 2018.)

Committee Vote: Yeas 9, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 225, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 225 as printed January 11, 2018.)

Committee Vote: Yeas 9, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 230, 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 230 as printed January 12, 2018.)

Committee Vote: Yeas 9, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 240, 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 240 as reprinted February 2, 2018.)

Committee Vote: Yeas 8, Nays 1.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 5. IC 29-1-7-7, AS AMENDED BY P.L.143-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) As soon as letters testamentary or of administration, general or special, supervised or unsupervised, have been issued, the clerk of the court shall publish notice of the estate administration.

(b) The notice required under subsection (a) shall be published in a newspaper of general circulation, printed in the English language and published in the county where the court is located, once each week for two (2) consecutive weeks. A copy of the notice, with proof of publication, shall be filed with the clerk of the court as a part of the administration of the estate within thirty (30) days after the publication. If no newspaper is published in the county, the notice shall be published in a newspaper published in an adjacent county.

(c) The notice required under subsection (a) shall be served by first class postage prepaid mail on each heir, devisee, legatee, and known creditor whose name and address is set forth in the

petition for probate or letters, except as otherwise ordered by the court. The personal representative shall furnish sufficient copies of the notice, prepared for mailing, and the clerk of the court shall mail the notice upon the issuance of letters.

(d) The personal representative or the personal representative's agent shall serve notice on each creditor of the decedent:

- (1) whose name is not set forth in the petition for probate or letters under subsection (c);
- (2) who is known or reasonably ascertainable within one (1) month after the first publication of notice under subsection (a); and
- (3) whose claim has not been paid or settled by the personal representative.

The notice may be served by mail or any other means reasonably calculated to ensure actual receipt of the notice by a creditor. **The estate recovery unit of the office of Medicaid policy and planning (established by IC 12-8-6.5-1) is a reasonably ascertainable creditor under this section if the decedent was at least fifty-five (55) years of age at the time of death.**

(e) Notice under subsection (d) shall be served within one (1) month after the first publication of notice under subsection (a) or as soon as possible after the elapse of one (1) month. If the personal representative or the personal representative's agent fails to give notice to a known or reasonably ascertainable creditor of the decedent under subsection (d) within one (1) month after the first publication of notice under subsection (a), the period during which the creditor may submit a claim against the estate includes an additional period ending two (2) months after the date notice is given to the creditor under subsection (d). However, a claim filed under IC 29-1-14-1(a) more than nine (9) months after the death of the decedent is barred.

(f) A schedule of creditors that received notice under subsection (d) shall be delivered to the clerk of the court as soon as possible after notice is given.

(g) The giving of notice to a creditor or the listing of a creditor on the schedule delivered to the clerk of the court does not constitute an admission by the personal representative that the creditor has an allowable claim against the estate.

(h) If any person entitled to receive notice under this section is under a legal disability, the notice may be served upon or waived by the person's natural or legal guardian or by the person who has care and custody of the person.

(i) The notice shall read substantially as follows:

NOTICE OF ADMINISTRATION

In the _____ Court of _____ County, Indiana.

Notice is hereby given that _____ was, on the ____ day of _____, 20 __, appointed personal representative of the estate of _____, deceased, who died on the ____ day of _____, 20 __.

All persons who have claims against this estate, whether or not now due, must file the claim in the office of the clerk of this court within three (3) months from the date of the first publication of this notice, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

Dated at _____, Indiana, this ____ day of _____, 20 __.

CLERK OF THE _____ COURT FOR _____ COUNTY, INDIANA".

Page 6, line 29, delete "five (5)" and insert "six (6)".

Page 8, line 10, after "liens" insert ",."

Page 8, line 10, after "liens" strike "and".

Page 8, line 10, delete "encumbrances)," and insert "encumbrances,".

Page 8, line 10, delete "expenses," and insert "expenses)".

Renumber all SECTIONS consecutively.

(Reference is to SB 247 as reprinted February 6, 2018.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 299, 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 natural and cultural resources.

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

"SECTION 1. IC 14-13-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: 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 legislative members appointed under subsections (a)(1) and (a)(2) must meet the following criteria:**

(1) At least one (1) member appointed under subsection (a)(1) must represent the legislative district that includes White River State Park.

(2) At least one (1) member appointed under subsection (a)(2) must represent the legislative district that includes White River State Park.

(d) 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."

Renumber all SECTIONS consecutively.

(Reference is to SB 299 as printed January 17, 2018.)

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 Natural Resources, to which was referred Senate Bill 380, 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, after line 13, begin a new paragraph and insert:

"(i) Subsections (a) and (b) do not apply to a construction project that is funded, in whole or in part, by the federal government."

(Reference is to SB 380 as reprinted January 30, 2018.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

EBERHART, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 402, 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 402 as reprinted February 6, 2018.)

Committee Vote: Yeas 9, Nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 411, 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 411 as printed February 2, 2018.)

Committee Vote: Yeas 11, Nays 2.

OBER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 12-10-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8.5. (a) **If, during an investigation under section 8 of this chapter, an adult protective services unit observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the adult protective services unit may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:**

(1) the local law enforcement agency; or

(2) the local animal control officer.

(b) The information provided in a report under subsection (a) must include the following:

(1) A name and description of the animal and the animal's condition.

(2) The name and contact number, if known, of the owner or custodian of the animal.

(3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.

(4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.

(c) This section does not impose a duty or obligation on the adult protective services unit to investigate known or suspected animal cruelty, abandonment, or neglect.

(d) An adult protective services unit that makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the adult protective services unit made the report as a result of gross negligence or willful and wanton misconduct.

(e) The identity of any adult protective services unit that makes a report under this section is confidential.

(f) This section does not expand or limit other laws concerning confidentiality requirements."

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 4. IC 31-33-8-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 7.5. (a) If, during the assessment, a caseworker observes, or has reason to believe, that an animal is a victim of animal cruelty, abandonment, or neglect, the caseworker may make a report of the observed or suspected animal cruelty, abandonment, or neglect to:**

- (1) the local law enforcement agency; or
- (2) the local animal control officer.

(b) The information provided in a report under subsection (a) must include the following:

- (1) A name and description of the animal and the animal's condition.
- (2) The name and contact number, if known, of the owner or custodian of the animal.
- (3) The address or location of the observed or suspected animal cruelty, abandonment, or neglect.
- (4) The nature and apparent extent of the observed or suspected animal cruelty, abandonment, or neglect.

(c) This section does not impose a duty or obligation on the caseworker to investigate known or suspected animal cruelty, abandonment, or neglect.

(d) A caseworker who makes a report of an animal that may be a victim of animal cruelty, abandonment, or neglect is immune from any civil or criminal liability unless the caseworker made the report as a result of gross negligence or willful and wanton misconduct.

(e) The identity of any caseworker who makes a report under this section is confidential.

(f) This section does not expand or limit other laws concerning confidentiality requirements.

SECTION 5. IC 34-30-2-40.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 40.2. IC 12-10-3-8.5 (Concerning an adult protective services unit for making a report of animal cruelty, abandonment, or neglect)."**

Page 2, after line 34, begin a new paragraph and insert:

"SECTION 7. IC 34-30-2-134.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 134.4. IC 31-33-8-7.5 (Concerning a caseworker for making a report of animal cruelty, abandonment, or neglect)."**

Renummer all SECTIONS consecutively.

(Reference is to SB 431 as printed January 30, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEUERWALD, Chair

Report adopted.

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 12, 60, 64, 96, 135, 164, 187, 203, 262, 266, 274, 331, 341, 347, 349, 353, 375, 376, 377, 381, 404, 420, 421 and 428.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 438

Representative Lehman called down Engrossed Senate Bill 438 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

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

Roll Call 207: yeas 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.

Engrossed Senate Bill 354

Representative Behning called down Engrossed Senate Bill 354 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 208: yeas 91, nays 5. 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 300

Representative Miller called down Engrossed Senate Bill 300 for third reading:

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

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

Roll Call 209: 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 297

Representative Sullivan called down Engrossed Senate Bill 297 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 210: 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 180

Representative Carbaugh called down Engrossed Senate Bill 180 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 211: 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 99

Representative Steuerwald called down Engrossed Senate Bill 99 for third reading:

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

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

Roll Call 212: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 98

Representative J. Young called down Engrossed Senate Bill 98 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 213: 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 75

Representative VanNatter called down Engrossed Senate Bill 75 for third reading:

A BILL FOR AN ACT concerning pensions.

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

Roll Call 214: 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 36

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

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

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

Roll Call 215: 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.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 27

Representative Burton called down Engrossed Senate Bill 27 for third reading:

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

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

Roll Call 216: 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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 124, 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 date in SECTION 1 with "[EFFECTIVE JULY 1, 2019]".

Page 2, line 20, delete "2018]" and insert "2019]".

Page 2, line 22, delete "December" and insert "**June 30, 2019.**".

Page 2, delete line 23.

Page 2, line 24, delete "June 30, 2019." and insert "**January 1, 2020.**".

(Reference is to SB 124 as printed February 2, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 33-33-39-1, AS AMENDED BY P.L.127-2008, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Jefferson County constitutes the fifth judicial circuit.

(b) The judges of the Jefferson circuit court and Jefferson superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Jefferson circuit and superior courts."

Page 1, line 3, delete "2018]:" and insert "2019]:".

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 3. IC 33-33-67-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Putnam County constitutes the sixty-fourth judicial circuit.

(b) The judges of the Putnam circuit court and Putnam superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Putnam circuit and superior courts.

SECTION 4. IC 33-33-72-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Scott County constitutes the sixth judicial circuit.

(b) The judges of the Scott circuit court and Scott superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Scott circuit and superior courts."

ReNUMBER all SECTIONS consecutively.

(Reference is to ESB 126 as printed February 16, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 158 as printed January 9, 2018.)

Committee Vote: Yeas 10, Nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 12-7-2-76.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 76.8. (a) "Employed", "employee", "employment", or "employs", for purposes of IC 12-17.2-3.5, has the meaning set forth in IC 12-17.2-3.5-1.3.

(b) "Employee", for purposes of IC 12-23-23, has the meaning set forth in IC 12-23-23-1.

SECTION 2. IC 12-7-2-98.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 98.6. "Guidelines", for purposes of IC 12-23-23, has the meaning set forth in IC 12-23-23-2.

SECTION 3. IC 12-23-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 23. Employee Substance Abuse Treatment

Sec. 1. As used in this chapter, "employee" means an individual who:

- (1) has recently been hired by an employer; or
- (2) is a current employee; and

failed a drug screening and is not covered by an employment assistance program.

Sec. 2. As used in this chapter, "guidelines" refers to the best practice guidelines established by the division under section 4 of this chapter.

Sec. 3. An employer may elect to comply with this chapter.

Sec. 4. The division shall establish best practice guidelines to assist employers with employees who:

- (1) are qualified for employment with the employer; and
- (2) have failed a drug screening;

to employ the individual if the individual agrees to participate in a drug education and addiction treatment program that complies with the guidelines under this chapter as a condition of continued employment.

Sec. 5. An employee may be eligible for a treatment program under this chapter if the employee provides signed consent for the employer to receive documentation necessary regarding participation and completion of services. After successfully completing the recommended education and treatment services, the employee is no longer eligible to participate in a treatment program under this chapter.

Sec. 6. The division shall do the following:

- (1) Promote voluntary participation for all employers regardless of the number of employees.

(2) Develop and deliver informational resources and training for employers that include the following information:

- (A) A definition of a substance use disorder.
- (B) Signs and symptoms of a substance use disorder.
- (C) Appropriate treatment options for a substance use disorder.
- (D) Required substance use disorder treatment confidentiality regulations, including regulations related to the federal Health Insurance Portability and Accountability Act (HIPAA) and adopted under 42 CFR Part 2.
- (E) Insurance coverage navigation.
- (F) Addiction recovery.
- (G) Relapse and how to manage it.
- (H) Creating a recovery supportive work environment.
- (I) A list of certified addiction treatment providers that an employer may use under the guidelines to provide onsite drug education and addiction treatment services for the employees.
- (J) Referrals to addiction treatment professionals licensed under IC 25-23.6.

Sec. 7. (a) The guidelines must include the following components:

(1) Referral for:

- (A) clinical assessment and evaluation;
- (B) education; and
- (C) treatment, if clinically indicated.

(2) Verification the employee has:

- (A) actively participated in a recommended drug education and addiction treatment program; and
- (B) demonstrated successful compliance with the initial assessment and evaluation recommendations.

(3) Providing for a follow-up drug testing plan for the employee.

(4) Guidance to employers for actions allowed under subsection (b).

(b) An employer may do the following:

- (1) Require the employee to participate in the recommended drug education and addiction treatment services as a condition of employment.
- (2) Discipline or terminate the employment of an employee who does not comply with the recommendations for the employee's recommended drug education and addiction treatment services.
- (3) Elect to pay for all or part of the employee's drug education and addiction treatment services.
- (4) If the employee has assigned the employee's wages under IC 22-2-6-2(a), deduct from the employee's wages to pay for a part of the employee's drug education and addiction treatment services.

Sec. 8. If an employee who is in a recommended drug education and addiction treatment program violates the employer's drug policy, the employer is not required to provide any subsequent recommended drug education and addiction treatment. However, if an employer offers an employee an opportunity to retain employment after a violation of the drug policy, the employer shall ensure that the treatment provider is notified of the employee's violation of the employer's drug policy.

Sec. 9. (a) The division shall annually collect the following information:

- (1) The number of employers participating under this chapter.
- (2) The following information that each participating employer must submit to the division by March 1 for the preceding calendar year:
 - (A) The number of individuals who applied for employment and failed a drug screening.
 - (B) The number of individuals in clause (A) who

were offered employment under the guidelines.

(C) The number of individuals in clause (B) who accepted the offer of employment under the guidelines.

(D) The number of individuals in clause (B) who declined the offer of employment under the guidelines.

(E) The number of individuals in clause (C) who completed a recommended drug education and addiction treatment program.

(3) Any other relevant information determined by the division.

(b) The division shall report the information collected under subsection (a) to the legislative council. The report submitted under this subsection must be in an electronic format under IC 5-14-6.

Sec. 10. The division shall assure that the criteria for appropriate drug education and addiction treatment services meets federal requirements under:

(1) Executive Order 12564; and

(2) Public Law 100-71.

Sec. 11. The division may adopt rules under IC 4-22-2 to administer this chapter.

Sec. 12. (a) If an employer complies with the requirements under this chapter and the employee complies with the drug education and addiction treatment services required under this chapter, the employer is not liable for a civil action alleging negligent hiring for any negligent action by the employee as a result of the employee's drug addiction in the scope of employment.

(b) In a civil action that is against an employer, an employer's agent, or an employer's employee an employer's participation in a drug education or addiction treatment program is not admissible as evidence.

SECTION 4. IC 22-2-6-2, AS AMENDED BY P.L.193-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) Any assignment of the wages of an employee is valid only if all of the following conditions are satisfied:

(1) The assignment is:

(A) in writing;

(B) signed by the employee personally;

(C) by its terms revocable at any time by the employee upon written notice to the employer; and

(D) agreed to in writing by the employer.

(2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.

(3) The assignment is made for a purpose described in subsection (b).

(b) A wage assignment under this section may be made for the purpose of paying any of the following:

(1) Premium on a policy of insurance obtained for the employee by the employer.

(2) Pledge or contribution of the employee to a charitable or nonprofit organization.

(3) Purchase price of bonds or securities, issued or guaranteed by the United States.

(4) Purchase price of shares of stock, or fractional interests therein, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.

(5) Dues to become owing by the employee to a labor organization of which the employee is a member.

(6) Purchase price of merchandise, goods, or food offered by the employer and sold to the employee, for the employee's benefit, use, or consumption, at the written request of the employee.

(7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed by the employee subject to the amount limits set forth in section 4(c) of this chapter.

(8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.

(9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.

(10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.

(11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.

(12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.

(13) A judgment owed by the employee if the payment:

(A) is made in accordance with an agreement between the employee and the creditor; and

(B) is not a garnishment under IC 34-25-3.

(14) The purchase of uniforms and equipment necessary to fulfill the duties of employment. The total amount of wages assigned may not exceed the lesser of:

(A) two thousand five hundred dollars (\$2,500) per year; or

(B) five percent (5%) of the employee's weekly disposable earnings (as defined in IC 24-4.5-5-105(1)(a)).

(15) Reimbursement for education or employee skills training. However, a wage assignment may not be made if the education or employee skills training benefits were provided, in whole or in part, through an economic development incentive from any federal, state, or local program.

(16) An advance for:

(A) payroll; or

(B) vacation;

pay.

(17) The employee's drug education and addiction treatment services under IC 12-23-23.

(c) The interest rate charged on amounts loaned or advanced to an employee and repaid under subsection (b) may not exceed the bank prime loan interest rate as reported by the Board of Governors of the Federal Reserve System or any successor rate, plus four percent (4%)."

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 6. IC 25-23.6-8-2.5, AS AMENDED BY P.L.134-2008, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2.5. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must complete the following educational requirements:

(1) Except as provided in subsection (b), complete twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

(A) Theoretical foundations of marriage and family therapy.

(B) Major models of marriage and family therapy.

- (C) Individual development.
- (D) Family development and family relationships.
- (E) Clinical problems.
- (F) Collaboration with other disciplines.
- (G) Sexuality.
- (H) Gender and sexual orientation.
- (I) Issues of ethnicity, race, socioeconomic status, and culture.
- (J) Therapy techniques.
- (K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the course work was devoted to each content area.

(2) Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

- (A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.
- (B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.
- (3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that meets the following requirements:
 - (A) The applicant provided five hundred (500) ~~face to face client contact~~ hours of marriage and family therapy services, **including at least four hundred (400) face to face client contact hours**, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.
 - (B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under clauses (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

(b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

- (1) Thesis or dissertation work.
- (2) Practicums, internships, or fieldwork."

Page 6, after line 21, begin a new paragraph and insert:

"SECTION 10. IC 34-30-2-47.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 47.6. IC 12-23-23-12 (Concerning negligent hiring actions against employers who hire employees in a drug education and addiction treatment program)."

Renumber all SECTIONS consecutively.

(Reference is to SB 224 as printed January 11, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

KIRCHHOFER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 243, 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 concerning health.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 27, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE]".

Page 3, line 28, delete "UPON PASSAGE": Sec. 3.9."

Page 3, line 32, delete "executive board." and insert **"public health, behavioral health, and human services interim study committee (IC 2-5-1.3-4)."**

Page 3, delete lines 33 through 42, begin a new paragraph and insert:

"(b) The task force consists of the following members:

(1) The state health commissioner or the commissioner's designee, acting as the chairperson of the task force.

(2) One (1) member of the state department with experience in licensure of acute care hospitals, appointed by the commissioner.

(3) Three (3) representatives of the Indiana Hospital Association, appointed by the chairperson of the Indiana Hospital Association Board.

(4) One (1) representative of the Indiana State Medical Association, appointed by the president of the Indiana State Medical Association.

(5) One (1) representative of the National Federation of Independent Business (NFIB) who has a least three (3) years of direct business experience with a hospital, appointed by the National Federation of Independent Business Indiana state director.

(c) The affirmative votes of at least a majority of the task force members is necessary for any action to be taken by the task force, including making any recommendations to the public health, behavioral health, and human services interim study committee.

(d) The task force shall issue its recommendations to the public health, behavioral health, and human services interim study committee in an electronic format under IC 5-14-6.

(e) This SECTION expires July 1, 2018."

Page 4, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to SB 243 as reprinted February 6, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

KIRCHHOFER, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:43 p.m. with the Speaker in the Chair.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 172, 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 31 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 32.

Re-number all SECTIONS consecutively.

(Reference is to ESB 172 as printed February 20, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 188, 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 state offices and administration.

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 24.

Page 4, delete lines 4 through 6.

Page 4, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 4. IC 34-13-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) There is appropriated from the state general fund sufficient funds to:

- (1) settle claims and satisfy tort judgments obtained against the state; and
- (2) pay ~~expenses authorized by this chapter, including interest on claims and judgments; and~~
- (3) **subject to approval by the budget director, pay:**
 - (A) liability insurance premiums; and
 - ~~(B) interest on claims and judgments; and~~
 - ~~(C) (B) expenses incurred by the attorney general in employing other counsel to aid in defending or settling claims or civil actions against the state."~~

Page 4, delete lines 16 through 35, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **Before March 20, 2018, the auditor of state shall transfer the money in the consumer fees and settlements fund to the agency settlement fund established by IC 4-12-16-2.**

(b) **The auditor of state shall account for and the state treasurer shall transfer the amounts from funds or accounts of the state necessary to carry out the purposes of this SECTION.**

(c) **The auditor of state shall close the consumer fees and settlements fund on the date that is the day after the transfers required under this SECTION are completed.**

(d) **This SECTION expires July 1, 2019."**

Re-number all SECTIONS consecutively.

(Reference is to SB 188 as printed February 2, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 5.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 20-19-3.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.6. Virtual Education Program Report

Sec. 1. As used in this chapter, "virtual education program" means a program provided by a school corporation in which a student in the program is provided instruction in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both.

Sec. 2. (a) Before October 1, 2018, each school corporation operating a virtual education program shall submit a report to the department covering the program.

(b) The report must include the following:

(1) The virtual education program enrollment policy, including the grade levels the program serves.

(2) The ADM count for the school corporation.

(3) The ADM count of students participating in a virtual education program, including the composition of the legal settlement of the students and the amount and percentage of total instructional time spent by students participating in the program, for each of the following school years:

(A) The 2016-2017 school year.

(B) The 2017-2018 school year.

(C) The 2018-2019 school year.

(4) An estimate of the expected ADM count of students, the expected ADM count of students participating in a virtual education program, and the amount and percentage of total instructional time expected to be spent by students, participating in a virtual education program for the 2019-2020 school year.

(c) The department shall provide to the budget committee before January 1, 2019, a report covering the information reported by school corporations on virtual education programs for the 2016-2017 school year through the 2018-2019 school year and the 2019-2020 school year estimates.

(d) **This chapter expires June 30, 2019.**

SECTION 2. IC 20-43-2-2, AS AMENDED BY P.L.205-2013, SECTION 269, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The maximum state distribution for a state fiscal year for all school corporations for the purposes described in section 3 of this chapter is the amount appropriated by the general assembly for those purposes for that state fiscal year.

(b) If the budget director, after review by the budget committee, makes a determination that the amount of the distribution for a state fiscal year for all school corporations for the purposes described in section 3 of this chapter exceeds the amount appropriated for these purposes for the state fiscal year, the budget agency shall transfer money from the state tuition reserve account to the state general fund to cover the difference. However, the maximum amount that may be transferred to the state general fund for the state fiscal year may not exceed:

(1) twenty-five million dollars (\$25,000,000) for the state fiscal year beginning July 1, 2017; and

(2) seventy-five million dollars (\$75,000,000) for the state fiscal year beginning July 1, 2018.

(c) Any amounts transferred under this section shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for the purposes described in section 3 of this chapter.

(d) Transfers under this section are in addition to any transfers made from the state tuition reserve account under IC 4-12-1-15.7 or any other law.

(e) To the extent that the amount transferred is less than the amount that would be distributed under this article, the total amount to be distributed for the purposes described in section 3 of this chapter to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess for the purposes described in section 3 of this chapter.

SECTION 3. IC 20-43-2-3, AS AMENDED BY P.L.213-2015, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. If the total amount to be distributed: **In determining the total amount to be distributed for purposes of section 2 of this chapter, distributions:**

- (1) as basic tuition support;
- (2) for honors diploma awards;
- (3) for complexity grants;
- (4) for special education grants;
- (5) for career and technical education grants;
- (6) for choice scholarships; and
- (7) for Mitch Daniels early graduation scholarships;

are to be considered for a particular state fiscal year. exceeds the amounts appropriated by the general assembly for those purposes for the state fiscal year, the total amount to be distributed for those purposes to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess.

SECTION 4. IC 20-43-2-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The amount of the reduction for a particular school corporation under section 3 2 of this chapter is equal to the total amount of the excess determined under section 3 2 of this chapter multiplied by a fraction. The numerator of the fraction is the amount of the distribution for state tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for state tuition support to all school corporations if a reduction were not made under this section.

SECTION 5. IC 20-43-2-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 7-5: (a) Before July 1 of each year, the budget agency, with the assistance of the department, shall estimate the amount of the distributions that will be made for choice scholarships for the following state fiscal year:

(b) In a state fiscal year beginning after June 30, 2016, the budget agency may transfer money from the state tuition reserve account to the state general fund if the budget director, after review by the budget committee, makes a determination that the amount of the distribution for that state fiscal year for basic tuition support has been reduced under section 3 of this chapter because the amount of the distributions for choice scholarships for the state fiscal year exceeds the latest estimate prepared by the legislative services agency and provided to members of the general assembly before May 1 of the most recent odd-numbered year concerning the amount of the distributions for choice scholarships for the state fiscal year beginning July 1 of the particular state fiscal year. The maximum amount that may be transferred to the state general fund under this subsection for the state fiscal year may not exceed the lesser of:

- (1) the amount of the reduction in basic tuition support distributions described in this subsection; or
- (2) twenty-five million dollars (\$25,000,000).

Any amounts transferred under this subsection shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to restore the distributions for basic tuition support that are reduced under section 3 of this chapter:

(c) Transfers under this section are in addition to any transfers made from the state tuition reserve account under

IC 4-12-1-15.7 or any other law.

(d) This section expires June 30, 2019".

Page 2, delete lines 1 through 22.

Renumber all SECTIONS consecutively.

(Reference is to SB 189 as printed January 17, 2018.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "'commission", as used in this" and insert "'**commission**'".

Page 1, line 6, delete "chapter,".

Page 1, line 11, delete "a:" and insert "**a public utility that provides water service, wastewater service, or both water service and wastewater service to the public.**".

Page 1, delete lines 12 through 16.

Page 2, line 21, delete "all".

Page 2, line 31, delete "all".

Page 4, line 20, delete "NEW" and insert "**NEW**".

Page 4, line 32, delete "4" and insert "**6**".

Page 4, delete lines 36 through 39, begin a new paragraph and insert:

"Sec. 2. A permit described in section 1(a) of this chapter may not be issued unless the applicant submits, along with the permit application, a certification that all of the following documents have been prepared and are complete under the requirements of this chapter:

- (1) A life cycle cost-benefit analysis, as described in section 3 of this chapter.
- (2) A capital asset management plan, as described in section 4 of this chapter.
- (3) A cybersecurity plan, as described in section 5 of this chapter.

Sec. 3. A life cycle cost-benefit analysis must include a comparison of the alternatives of:".

Page 5, delete lines 8 through 42, begin a new paragraph and insert:

"Sec. 4. A capital asset management plan must include all of the following:

- (1) A plan to annually review infrastructure needs of the water or wastewater treatment plant.
- (2) A detailed engineering analysis of asset conditions and useful life, to be used to develop an infrastructure inspection, repair, and maintenance plan.
- (3) An analysis of customer rates necessary to support the capital asset management plan, including emergency repairs.
- (4) A certification that the water or wastewater treatment plant has:
 - (A) a certified operator;
 - (B) a corporate officer or system manager; and
 - (C) access to an engineer, either on staff or by contract.

Sec. 5. A cybersecurity plan must provide for the protection of the water or wastewater treatment plant from unauthorized use, alteration, or destruction of electronic data.

Sec. 6. (a) The analysis and plans described in sections 3, 4, and 5 of this chapter must be:

- (1) complete under the requirements of this chapter at

the time an application for a permit described in section 1(a) of this chapter is submitted;

(2) reviewed and revised at least once every five (5) years, for as long as the permit holder operates the water treatment plant or wastewater treatment plant; and

(3) made publicly available.

(b) A certification that the analysis and plans described in sections 3, 4, and 5 of this chapter are complete under the requirements of this chapter must be submitted to the department:

(1) under section 2 of this chapter at the time an application for a permit described in section 1(a) of this chapter is submitted; and

(2) at least once every five (5) years after an application for a permit described in section 1(a) of this chapter is submitted, when the analysis and plans are reviewed and revised under subsection (a)(2).

(c) A certification submitted to the department under this chapter must be notarized.

Sec. 7. Failure to include a notarized certification with an application for a permit described in section 1(a) of this chapter constitutes grounds for denial of the permit application."

Page 6, delete lines 1 through 10.

Re-number all SECTIONS consecutively.

(Reference is to SB 362 as printed January 23, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

OBER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 399, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 15.

Page 16, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 47. (a) This section applies only to occupational regulations adopted after March 14, 2018, and before April 30, 2019.**

(b) As used in this section, "occupational regulation" refers to a rule adopted under this chapter, a procedure, a policy, or another official action of a board governing a regulated occupation that:

(1) allows a person to work, or prohibits a person from working, in a regulated occupation, including issuing a cease and desist letter or seeking an injunction against a person; or

(2) affects a person's ability to obtain a license, certification, registration, or permit to work in a regulated occupation.

(c) The term defined in subsection (b) does not include the following:

(1) A business license, a facility license, a regulation concerning a building permit, a regulation concerning zoning or land use, or an emergency rule adopted under section 37.1 of this chapter.

(2) A disciplinary action regarding an individual who is in a regulated occupation for a violation of a duty or standard of practice under IC 25-1.

(3) A rule of a board governing a regulated occupation that does not restrict or prohibit a person who is not licensed by the board from engaging in the occupation

without an occupational license.

(d) As used in this chapter, "regulated occupation" means an occupation in which a person is licensed, certified, registered, or issued a permit by one (1) of the entities described in IC 25-0.5-8.

(e) Notwithstanding section 36 of this chapter or any other law, an occupational regulation that is adopted after March 14, 2018, and before April 30, 2019, may not become effective before April 30, 2019.

(f) This section expires July 1, 2019."

Page 18, after line 3, begin a new paragraph and insert:

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

Re-number all SECTIONS consecutively.

(Reference is to ESB 399 as printed February 20, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 436, 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 6 through 9.

Page 2, line 10, delete "Sec. 2." and insert "Sec. 1."

Page 2, line 26, delete "Sec. 3." and insert "Sec. 2."

Page 2, line 33, delete "Sec. 4." and insert "Sec. 3."

Page 3, between lines 6 and 7, begin a new paragraph and insert:

"Sec. 4. (a) If a railroad entity enforces a right of contribution in the original action brought against the railroad entity under section 3(a)(1) of this chapter, the plaintiff in the original action may seek to bifurcate the plaintiff's claim from the contribution claim of the railroad entity.

(b) Upon the plaintiff's motion for bifurcation, the court may order the bifurcation of the plaintiff's claim, and allow the plaintiff's claim to proceed in advance of the contribution claim of the railroad entity."

Re-number all SECTIONS consecutively.

(Reference is to SB 436 as reprinted February 2, 2018.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

STEUERWALD, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 52

Representative Friend called down Engrossed Senate Bill 52 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 52-1)

Mr. Speaker: I move that Engrossed Senate Bill 52 be amended to read as follows:

Page 5, line 42, after "3." insert "(a) This section shall not apply to any substance that has been approved by the federal Food and Drug Administration or the federal Drug Enforcement Agency as a prescription drug.

(b)".

Re-number all SECTIONS consecutively.

(Reference is to ESB 52 as printed February 23, 2018.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 62

Representative Bacon called down Engrossed Senate Bill 62 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 134

Representative Pressel called down Engrossed Senate Bill 134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representatives Bartlett, Behning and Wolkins, who had been present, are now excused.

Engrossed Senate Bill 137

Representative Bacon called down Engrossed Senate Bill 137 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 137-1)

Mr. Speaker: I move that Engrossed Senate Bill 137 be amended to read as follows:

Page 3, line 6, delete "IC 34-30-2-96.2" and insert "IC 34-30-2-96.8".

Page 3, line 8, delete "Sec. 96.2." and insert "**Sec. 96.8.**".
(Reference is to ESB 137 as printed February 23, 2018.)

BACON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 139

Representative Davisson called down Engrossed Senate Bill 139 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 139-1)

Mr. Speaker: I move that Engrossed Senate Bill 139 be amended to read as follows:

Page 1, delete lines 1 through 8, begin a new paragraph and insert:

"SECTION 1. IC 4-23-6.5-9.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2018]: **Sec. 9.3. (a) The board shall use the fund for the costs incurred to perform the duties required by IC 36-2-14-6(b) for an investigation of an accidental or intentional overdose of a controlled substance causing death.**

(b) This section expires June 30, 2019.

SECTION 2. IC 4-23-6.5-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2018]: **Sec. 11. The state department of health shall contract with a third party for testing services under this chapter."**

Renummer all SECTIONS consecutively.

(Reference is to ESB 139 as printed February 23, 2018.)
DAVISSON

Motion prevailed.

HOUSE MOTION
(Amendment 139-2)

Mr. Speaker: I move that Engrossed Senate Bill 139 be amended to read as follows:

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(c) If a coroner submits a bodily fluid extracted under subsection (b) to test for the presence of a controlled substance, the laboratory conducting the test shall report the results of the test to the coroner and the state department of health not more than fourteen (14) days after receiving the bodily fluid."

Page 2, line 36, delete "(c)" and insert "**(d)**".

Page 3, line 3, delete "(d)" and insert "**(e)**".

Page 3, line 15, delete "(e)" and insert "**(f)**".

Page 3, line 17, delete "(g)," and insert "**(h)**".

Page 3, line 26, delete "(f)" and insert "**(g)**".

Page 4, line 3, delete "(g)" and insert "**(h)**".

Page 4, line 8, delete "(f)" and insert "**(g)**".

Page 4, line 9, delete "(h)" and insert "**(i)**".

Page 4, line 40, delete "6(e)" and insert "**6(f)**".

Page 5, line 20, delete "6(e)" and insert "**6(f)**".

Page 6, line 16, delete "6(e)" and insert "**6(f)**".

(Reference is to ESB 139 as printed February 23, 2018.)

BACON

Motion failed. The bill was ordered engrossed.

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

Engrossed Senate Bill 190

Representative T. Brown called down Engrossed Senate Bill 190 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 190-1)

Mr. Speaker: I move that Engrossed Senate Bill 190 be amended to read as follows:

Page 3, line 33, delete "(3) and as allowed under" and insert "**(3).**".

Page 3, delete line 34.

Page 5, delete lines 8 through 19.

(Reference is to ESB 190 as printed February 23, 2018.)

EBERHART

Motion prevailed.

HOUSE MOTION
(Amendment 190-2)

Mr. Speaker: I move that Engrossed Senate Bill 190 be amended to read as follows:

Page 2, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 7. IC 16-28-2.5-8, AS AMENDED BY P.L.217-2017, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. This chapter expires ~~June 30, 2019~~; **on the date on which all rules required by the following have taken effect:**

(1) IC 16-29-7-13(f).

(2) IC 16-29-7-14(d).

(3) IC 16-29-7-19(a)."

Page 8, line 34, delete "chapter:" and insert "**chapter and under IC 16-28-2.5 until its expiration:**".

Page 10, line 3, delete "ninety percent (90%);" and insert "**eighty-five percent (85%);"**

Renummer all SECTIONS consecutively.

(Reference is to ESB 190 as printed February 23, 2018.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 217

Representative Burton called down Engrossed Senate Bill 217 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 236

Representative Siegrist called down Engrossed Senate Bill 236 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 236-1)

Mr. Speaker: I move that Engrossed Senate Bill 236 be amended to read as follows:

Page 2, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 1-2-1.1 IS ADDED TO THE INDIANA

CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 1.1. State Emblems in Advertising

Sec. 1. (a) As used in this chapter, "advertising" means any written or auditory communication to the public that:

- (1) concerns a product that is available to the public; and
- (2) is intended to promote interest in the product.

(b) The term includes a communication described in subsection (a) regardless of whether it is conveyed to the public on the Internet, on a sign or billboard, by mail, during a radio or television broadcast, or in a newspaper, magazine, or other publication.

Sec. 2. As used in this chapter, "product" means any tangible or intangible thing that is made available to the public to be consumed, used, visited, worn, viewed, read, heard, attended, or otherwise experienced.

Sec. 3. A person shall not state in an advertising:

(1) that the product the person offers to the public is:

- (A) "the state" product;
- (B) "the official state" product; or
- (C) "the Indiana state" product; or

(2) that the type of product the person offers to the public is:

- (1) "the state" type of product;
- (2) "the official state" type of product; or
- (3) "the Indiana state" type of product;

unless the product or type of product is designated by this article as an official state emblem."

Renumber all SECTIONS consecutively.

(Reference is to ESB 236 as printed February 23, 2018.)

TORR

Motion withdrawn. The bill was ordered engrossed.

Engrossed Senate Bill 238

Representative Steuerwald called down Engrossed Senate Bill 238 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 238-1)

Mr. Speaker: I move that Engrossed Senate Bill 238 be amended to read as follows:

Page 77, delete lines 35 through 42.

Delete page 78.

Page 79, delete lines 1 through 38, begin a new paragraph and insert:

"SECTION 106. IC 33-39-1-8, AS AMENDED BY HEA 1057-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

- (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- (2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

- (A) intoxication; or
- (B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

- (1) who is arrested for or charged with an offense under:
 - (A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-44.1-2-13(b)(1); or

(D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

- (2) who was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or mental health counseling and remain in a specified facility required for that purpose, including:

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;

(4) receive evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism;

(5) support the person's dependents and meet other family responsibilities;

(6) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(7) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(8) report to the prosecuting attorney at reasonable times;

(9) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(10) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions, including program fees and costs, reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees or program fees and costs under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(7):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form

prescribed or approved by the **division office of state court judicial** administration with the clerk.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 238 as printed February 23, 2018.)

STEUERWALD

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 257

Representative T. Brown called down Engrossed Senate Bill 257 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 257-1)

Mr. Speaker: I move that Engrossed Senate Bill 257 be amended to read as follows:

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

"SECTION 1. IC 6-2.5-1-26.5, AS ADDED BY P.L.19-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 26.5. "Specified digital products" means electronically transferred:

- (1) digital audio works;
- (2) ~~digital audiovisual works~~; or
- (3) (2) digital books.

SECTION 2. IC 6-2.5-1-27.5, AS ADDED BY P.L.145-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 27.5. (a) "Telecommunication services" means electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points.

(b) The term includes a transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing regardless of whether the service:

- (1) is referred to as voice over Internet protocol services; or
- (2) is classified by the Federal Communications Commission as enhanced or value added.

(c) The term does not include the following:

- (1) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser whose primary purpose for the underlying transaction is the processed data or information.
- (2) Installation or maintenance of wiring or equipment on a customer's premises.
- (3) Tangible personal property.
- (4) Advertising, including but not limited to directory advertising.
- (5) Billing and collection services provided to third parties.
- (6) Internet access service.
- (7) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of the services by the programming service provider. Radio and television audio and video programming services include cable service as defined in 47 U.S.C. 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 CFR 20.3.
- (8) Ancillary services.
- (9) Digital products delivered electronically, including the following:

- (A) Software.
- (B) Music.
- (C) Video, **including any digital audiovisual works**.
- (D) Reading materials.
- (E) Ring tones.

SECTION 3. IC 6-2.5-4-16.4, AS AMENDED BY

P.L.113-2010, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.4. (a) As used in this section, "end user" does not include a person who receives by contract a product transferred electronically for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution, or exhibition of the product, in whole or in part, to another person or persons.

(b) A person is a retail merchant making a retail transaction when the person:

- (1) electronically transfers specified digital products to an end user; and
- (2) grants to the end user the right of permanent use of the specified digital products that is not conditioned upon continued payment by the purchaser.

(c) A person is not a retail merchant making a retail transaction when the person electronically transfers digital audiovisual works or video to an end user.

(d) The sale of a digital code that may be used to obtain a product transferred electronically shall be taxed in the same manner as the product transferred electronically. As used in this subsection, a digital code means a method that permits a purchaser to obtain at a later date a product transferred electronically."

Page 1, line 15, delete "IC 6-2.5-4-16.7," and insert "**IC 6-2.5-4-16.4 and IC 6-2.5-4-16.7, both**".

Page 1, line 16, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 257 as printed February 23, 2018.)

AUSTIN

Upon request of Representatives Austin and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 217: yeas 31, nays 63. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 264

Representative Siegrist called down Engrossed Senate Bill 264 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 264-1)

Mr. Speaker: I move that Engrossed Senate Bill 264 be amended to read as follows:

Page 1, line 17, delete "established" and insert "**advisory council**".

Page 2, line 1, delete "under this chapter".

(Reference is to ESB 264 as printed February 20, 2018.)

OLTHOFF

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 301

Representative Thompson called down Engrossed Senate Bill 301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

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

Engrossed Senate Bill 340

Representative Mayfield called down Engrossed Senate Bill 340 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 340-2)

Mr. Speaker: I move that Engrossed Senate Bill 340 be amended to read as follows:

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

"SECTION 1. IC 13-19-5-3, AS AMENDED BY P.L.121-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The authority shall do the following under this chapter:

- (1) Be responsible for the management of all aspects of the program.
 - (2) Prepare and provide program information.
 - (3) Negotiate the negotiable aspects of each financial assistance agreement and submit the agreement to the budget agency for approval.
 - (4) Sign each financial assistance agreement.
 - (5) Review each proposed project and financial assistance agreement to determine if the project meets the credit, economic, or fiscal criteria established by guidelines of the authority.
 - (6) Periodically inspect or cause to be inspected projects to determine compliance with this chapter.
 - (7) Conduct or cause to be conducted an evaluation concerning the financial ability of a political subdivision to:
 - (A) pay a loan or other financial assistance and other obligations evidencing loans or other financial assistance, if required to be paid; and
 - (B) otherwise comply with terms of the financial assistance agreement.
 - (8) Evaluate or cause to be evaluated the technical aspects of the political subdivision's:
 - (A) environmental assessment of potential brownfield properties;
 - (B) proposed remediation; and
 - (C) remediation activities conducted on brownfield properties.
 - (9) Inspect or cause to be inspected remediation activities conducted under this chapter.
 - (10) Act as a liaison to the United States Environmental Protection Agency regarding the program.
 - (11) Be a point of contact for political subdivisions concerning questions about the program.
 - (12) Enter into memoranda of understanding, as necessary, with the department and the budget agency concerning the administration and management of the fund and the program.
- (b) The authority may do the following under this chapter:
- (1) Undertake activities to make private environmental insurance products available to encourage and facilitate the cleanup and redevelopment of brownfield properties.
 - (2) Enter into agreements with political subdivisions to manage any of the following conducted on brownfield properties:
 - (A) Environmental assessment activities.
 - (B) Environmental remediation activities.
- (c) The authority may:
- (1) negotiate with;
 - (2) select; and
 - (3) contract with;
- one (1) or more insurers to provide insurance products as described in subsection (b)(1).
- (d) Notwithstanding IC 13-23, IC 13-24-1, and IC 13-25-4, the authority is not liable for any contamination addressed by the authority under an agreement under subsection (b)(2) unless existing contamination on the brownfield is exacerbated due to gross negligence or intentional misconduct by the authority.
- (e) For purposes of subsection (d), reckless, willful, or wanton misconduct constitutes gross negligence.
- (f) The authority is entitled to the same governmental immunity afforded a political subdivision under ~~IC 34-13-3-3(22)~~ **IC 34-13-3-3(b)(22)** for any act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield under an agreement under subsection (b)(2)."

Page 14, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 13. IC 34-13-3-3, AS AMENDED BY P.L.65-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This section does not apply to a claim or suit brought against a legislator under IC 34-13-10.**

(b) A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.
- (5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.
 This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.
- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.
- (8) The adoption and enforcement of or failure to adopt or enforce:
 - (A) a law (including rules and regulations); or
 - (B) in the case of a public school or charter school, a policy;
 unless the act of enforcement constitutes false arrest or false imprisonment.
- (9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.
- (10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.
- (11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.
- (12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.
- (13) Entry upon any property where the entry is expressly or impliedly authorized by law.
- (14) Misrepresentation if unintentional.
- (15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.
- (16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies

and procedures provided by section 7 of this chapter.

(17) Injury to the person or property of a person under supervision of a governmental entity and who is:

- (A) on probation; or
- (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.

(18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a:

- (A) discipline policy adopted under IC 20-33-8-12; or
- (B) restraint and seclusion plan adopted under IC 20-20-40-14.

(21) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 or IC 35-46-1-15.3 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(22) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

- (A) the loss is a result of reckless conduct; or
- (B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

(23) The operation of an off-road vehicle (as defined in IC 14-8-2-185) by a nongovernmental employee, or by a governmental employee not acting within the scope of the employment of the employee, on a public highway in a county road system outside the corporate limits of a city or town, unless the loss is the result of an act or omission amounting to:

- (A) gross negligence;
- (B) willful or wanton misconduct; or
- (C) intentional misconduct.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain highways in a reasonably safe condition for the operation of motor vehicles licensed by the bureau of motor vehicles for operation on public highways.

(24) Any act or omission rendered in connection with a request, investigation, assessment, or opinion provided under IC 36-9-28.7.

SECTION 14. IC 34-13-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) This section does not apply to a claim or suit brought against a legislator under IC 34-13-10.**

(b) If a present or former public employee, including a member of a board, a committee, a commission, an authority, or another instrumentality of a governmental entity, is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the public employee's employment which violates the civil rights laws of

the United States, the governmental entity (when the governmental entity defends or has the opportunity to defend the public employee) shall, subject to IC 34-13-3-4, IC 34-13-3-14, IC 34-13-3-15, and IC 34-13-3-16, pay:

- (1) any judgment (other than for punitive damages) of the claim or suit; or
- (2) any judgment for punitive damages, compromise, or settlement of the claim or suit if:

- (A) the governor, in the case of a claim or suit against a state employee; or
- (B) the governing body of the political subdivision, in the case of a claim or suit against an employee of a political subdivision;

determines that paying the judgment for punitive damages, compromise, or settlement is in the best interest of the governmental entity. The governmental entity shall also pay all costs and fees incurred by or on behalf of a public employee in defense of the claim or suit.

SECTION 15. IC 34-13-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This section does not apply to a claim or suit brought against a legislator under IC 34-13-10.**

(b) If requested to do so, the attorney general shall defend a present or former state employee against a claim or suit under section 1 of this chapter. The attorney general may employ other counsel to aid in defending or settling the claim or suit.

SECTION 16. IC 34-13-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Claims Against a Legislator for Authoring an Unconstitutional Bill

Sec. 1. (a) Any person may bring a civil action on behalf of the state to recover attorney's fees and damages paid by the state against a legislator who authored a bill or authored an amendment to a bill that was:

- (1) known by the legislator to be unconstitutional; and
- (2) found to be unconstitutional by a federal or an Indiana court;

which was the subject of a lawsuit or stipulated in a consent decree.

(b) The action:

- (1) must be brought in the name of the State; and
- (2) must be filed in the House or Senate in which the legislator serves.

(c) A person who brings an action under this section shall serve a copy of the complaint on the legislator.

(d) The legislator in an action filed under this section is not required to answer the complaint until twenty-one (21) days after the complaint has been served on the legislator.

Sec. 2. A legislator is not immune from liability if the authorship was found to have violated clearly established statutory or constitutional rights of a person.

Sec. 3. (a) A bipartisan panel from the House or Senate in which the legislator serves will preside over the action. The bipartisan panel will consist of three members from each party.

(b) If the bipartisan panel finds by a preponderance of the evidence that the legislator committed the act of authoring an unconstitutional bill or amendment, the bipartisan panel shall issue a civil penalty against the legislator that includes reasonable attorney's fees and damages for the:

- (1) current cause of action; and
- (2) cause of action that was deemed unconstitutional by a federal or an Indiana court.

(c) In an action brought under this chapter, the bipartisan panel shall:

- (1) determine the civil penalty awarded to the plaintiff; and
- (2) order each legislator who authored the bill or

authored an amendment to the bill as described under subsection (a) to pay an equal share of the civil penalty awarded to the plaintiff.

The liability of each legislator is joint and several.

(d) A civil penalty imposed under this section shall be paid to the state general fund."

Renumber all SECTIONS consecutively.

(Reference is to ESB 340 as printed February 23, 2018.)

LAWSON

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.

HOUSE MOTION
(Amendment 340-4)

Mr. Speaker: I move that Engrossed Senate Bill 340 be amended to read as follows:

Page 13, line 26, after "woman" insert "**or physician described in subsection (a)(5) or (a)(21)**".

Page 13, between lines 32 and 33, begin a new paragraph and insert:

"(g) Notwithstanding IC 5-14-3-6 and IC 5-14-3-6.5, the state department shall redact information described in subsections (a)(5) and (a)(21)."

(Reference is to ESB 340 as printed February 23, 2018.)

AUSTIN

Upon request of Representatives Austin and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 218: yeas 35, nays 57. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 363

Representative Kirchhofer called down Engrossed Senate Bill 363 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 363-1)

Mr. Speaker: I move that Engrossed Senate Bill 363 be amended to read as follows:

Page 9, line 23, delete "JULY 1, 2018]:" and insert "UPON PASSAGE]:".

Page 14, after line 4, begin a new paragraph and insert:

"SECTION 36. An emergency is declared for this act."

(Reference is to ESB 363 as printed February 16, 2018.)

KIRCHHOFER

Motion prevailed. The bill was ordered engrossed.

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

Engrossed Senate Bill 369

Representative Lehman called down Engrossed Senate Bill 369 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 369-2)

Mr. Speaker: I move that Engrossed Bill 369 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new line blocked left and insert:

"However, if the employee begins use of the "N" drug before July 1, 2018, and the use continues after January 1, 2019, reimbursement is permitted for the "N" drug until January 1, 2020."

Page 3, between lines 9 and 10, begin a new line blocked left and insert:

"However, if the employee begins use of the "N" drug before July 1, 2018, and the use continues after January 1, 2019, reimbursement is permitted for the "N" drug until January 1, 2020."

(Reference is to ESB 369 as printed February 20, 2018.)

LEHMAN

Motion prevailed.

HOUSE MOTION
(Amendment 369-5)

Mr. Speaker: I move that Engrossed Senate Bill 369 be amended to read as follows:

Page 1, line 3, delete ""formulary" refers to".

Page 1, delete lines 4 through 5.

Page 1, line 6, delete "(b) As used in this section,".

Page 1, run in lines 3 through 6.

Page 1, delete lines 14 through 17, begin a new paragraph and insert:

"(b) The worker's compensation board shall, not later than December 31, 2019, adopt rules under IC 4-22-2, and guidelines, concerning use of opioids, related prescription drugs, and pain management treatment. The rules and guidelines required by this subsection must do the following:

(1) Be effective January 1, 2020.

(2) Include proactive measures to:

(A) curtail opioid abuse and addiction; and

(B) facilitate timely and effective delivery of appropriate medical treatment for pain management;

in worker's compensation and occupational disease claims.

(3) Provide a process for appeals of claims in which the treating physician determines and documents that a prescription drug not included in any applicable formulary is necessary to treat an injured worker's compensable injury.

(c) Before adopting the rules and guidelines under subsection (b), the worker's compensation board shall hold public hearings in each of the six (6) hearing districts and accept written and electronically submitted evidence from interested parties.

(d) The rules and guidelines adopted under subsection (b) must not:

(1) permit application of a closed prescription drug formulary to prescription drugs administered in a hospital, ambulatory care center, or residential rehabilitation facility; or

(2) apply to care provided during a medical emergency."

Delete pages 2 through 3.

(Reference is to ESB 369 as printed February 20, 2018.)

MOSELEY

Upon request of Representatives Moseley and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 219: yeas 29, nays 63. Motion failed.

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

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

HOUSE MOTION
(Amendment 369-4)

Mr. Speaker: I move that Engrossed Senate Bill 369 be amended to read as follows:

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"(c) This section does not apply to prescription drugs administered in a hospital, ambulatory care center, or residential rehabilitation facility."

Page 1, line 14, delete "(c)" and insert "(d)".

Page 2, between lines 1 and 2, begin a new line blocked left and insert:

"However, if the employee is injured and is prescribed the "N" drug for the injury before January 1, 2019, and continues to use the "N" drug after January 1, 2019, reimbursement is permitted for the "N" drug until January 1, 2021."

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

Page 2, line 3, delete "(c)," and insert "(d),".

Page 2, line 7, after "employee." insert **"If the employer does not approve the request, the injured employee must be provided a seven (7) day supply of the "N" drug for use during the period during which the third party makes a determination under subsection (f)."**

Page 2, line 8, delete "(e)" and insert "(f)".

Page 2, line 9, delete "(d)" and insert "(e)".

Page 2, line 11, delete "that" and insert **"that:**

(A) provides a physician having the same qualifications and certifications as the prescribing physician to conduct the third party review; and (B)".

Page 2, line 15, delete "five (5)" and insert **"seventy-two (72) hours"**.

Page 2, line 16, delete "business days".

Page 2, line 17, delete "(f)" and insert "(g)".

Page 2, line 18, delete "(e)(2)," and insert "(f)(2),".

Page 2, line 19, delete "(d)" and insert "(e)".

Page 2, line 21, delete "(g)" and insert "(h)".

Page 2, line 21, delete "(e)" and insert "(f)".

Page 2, line 28, delete "(e)." and insert "(f)".

Page 2, line 29, delete "(h)" and insert "(i)".

Page 2, line 29, delete "(c) through (f)," and insert **"(d) through (g),"**.

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"(c) This section does not apply to prescription drugs administered in a hospital, ambulatory care center, or residential rehabilitation facility."

Page 3, line 5, delete "(c)" and insert "(d)".

Page 3, between lines 9 and 10, begin a new line blocked left and insert:

"However, if the employee is injured and is prescribed the "N" drug for the injury before January 1, 2019, and continues to use the "N" drug after January 1, 2019, reimbursement is permitted for the "N" drug until January 1, 2021."

Page 3, line 10, delete "(d)" and insert "(e)".

Page 3, line 11, delete "(c)," and insert "(d),".

Page 3, line 15, after "employee." insert **"If the employer does not approve the request, the injured employee must be provided a seven (7) day supply of the "N" drug for use during the period during which the third party makes a determination under subsection (f)."**

Page 3, line 16, delete "(e)" and insert "(f)".

Page 3, line 17, delete "(d)" and insert "(e)".

Page 3, line 19, delete "that" and insert **"that:**

(A) provides a physician having the same qualifications and certifications as the prescribing physician to conduct the third party review; and (B)".

Page 3, line 23, delete "five (5)" and insert **"seventy-two (72) hours"**.

Page 3, line 24, delete "business days".

Page 3, line 25, delete "(f)" and insert "(g)".

Page 3, line 26, delete "(e)(2)," and insert "(f)(2),".

Page 3, line 27, delete "(d)" and insert "(e)".

Page 3, line 30, delete "(g)" and insert "(h)".

Page 3, line 30, delete "(e)" and insert "(f)".

Page 3, line 37, delete "(e)." and insert "(f)".

Page 3, line 38, delete "(h)" and insert "(i)".

Page 3, line 38, delete "(c) through (f)," and insert **"(d) through (g),"**.

(Reference is to ESB 369 as printed February 20, 2018.)
MOSELEY

Motion failed.

HOUSE MOTION (Amendment 369-3)

Mr. Speaker: I move that Engrossed Senate Bill 369 be amended to read as follows:

Page 1, line 3, delete "'formulary" refers to".

Page 1, delete lines 4 through 5.

Page 1, line 6, delete "(b) As used in this section,".

Page 1, run in lines 3 through 6.

Page 1, delete lines 14 through 17, begin a new paragraph and insert:

"(b) The worker's compensation board shall, not later than December 31, 2019, adopt rules under IC 4-22-2 to:

(1) establish a closed prescription drug formulary that is effective beginning January 1, 2020; and

(2) provide an appeal process for claims in which a treating physician determines and documents that a drug not included in the closed prescription drug formulary is necessary to treat an injured employee's compensable injury.

(c) Before adopting the rules under subsection (b), the worker's compensation board shall hold public hearings in each of the six (6) hearing districts and accept written and electronically submitted evidence from interested parties.

(d) The closed prescription drug formulary established under subsection (b) may not apply to the following:

(1) Prescription drugs administered in a hospital, ambulatory care center, or residential rehabilitation facility.

(2) Care provided during a medical emergency."

Delete pages 2 through 3.

(Reference is to ESB 369 as printed February 20, 2018.)
MOSELEY

Upon request of Representatives Moseley and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 220: yeas 29, nays 64. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 392

Representative Slager called down Engrossed Senate Bill 392 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 392-1)

Mr. Speaker: I move that Engrossed Senate Bill 392 be amended to read as follows:

Page 13, delete lines 35 through 38, begin a new paragraph and insert:

"(g) The board of a foundation established under this section shall contract with a financial institution eligible to receive public funds of a political subdivision under IC 5-13-8-1 to assist the board in its investment program."

(Reference is to ESB 392 as printed February 23, 2018.)
CLERE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 410

Representative Sullivan called down Engrossed Senate Bill 410 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Act 1 on February 26.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative J. Taylor be added as cosponsor of Engrossed Senate Bill 27.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as cosponsor of Engrossed Senate Bill 50.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Engrossed Senate Bill 156.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as cosponsor of Engrossed Senate Bill 158.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 164.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 213.

NEGELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent, Shackelford and C. Brown be added as cosponsors of Engrossed Senate Bill 221.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ziemke be added as cosponsor of Engrossed Senate Bill 223.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as cosponsor of Engrossed Senate Bill 224.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Zent and Shackelford be added as cosponsors of Engrossed Senate Bill 225.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bauer be added as cosponsor of Engrossed Senate Bill 301.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehman and Harris be added as cosponsors of Engrossed Senate Bill 341.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackelford be added as cosponsor of Engrossed Senate Bill 410.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as cosponsor of Engrossed Senate Bill 419.

MORRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heaton, Olthoff and J. Taylor be added as cosponsors of Engrossed Senate Bill 428.

DEVON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as coauthor of House Resolution 8.

PRESSEL

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 43, 46, 47 and 49 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 37, 40, 42 and 45 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 Engrossed House Bills 1003 and 1119 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 concurred in the House amendments to Engrossed Senate Bill 1.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Clere, the House adjourned at 7:06 p.m., this twenty-sixth day of February, 2018, until Tuesday, February 27, 2018, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives