



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Tenth Day

Tuesday Afternoon

January 24, 2017

The invocation was offered by Pastor Daniel Lepley of Our Shepherd Lutheran Church in Avon, a guest of Representative Behning.

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 Morris.

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

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

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 14: 90 present; 10 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 Thursday, January 26, 2017, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1031, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "all" and insert "each".

Page 2, line 12, delete "plans" and insert "plan during the next succeeding audit following the date on which the corrective action plan is".

Page 2, line 24, after "taken," insert "after providing the notice under subsection (g)".

Page 2, line 24, delete "shall do at least one (1)" and insert "may do any".

Page 2, line 28, delete "Require" and insert "Request".

Page 2, line 30, delete "Order" and insert "Request that".

Page 2, line 30, delete "to".

Page 2, line 32, delete "department of local government finance" and insert "office of management and budget (in the case of an audited entity that is a state agency, a body corporate and politic, or a state educational institution) or fiscal body of the audited entity (in the case of any other audited entity in accordance with section 1.6 of this chapter)".

Page 2, delete lines 40 through 42, begin a new line block indented and insert:

"(5) Refer the facts drawn from the examination and the actions taken under this section for investigation and prosecution of a violation of IC 5-11-1-10 or IC 5-11-1-21 to the:

(A) inspector general, in the case of an audited entity that is a state agency, a body corporate and politic, or a state educational institution; or

(B) prosecuting attorney of the county in which a violation of IC 5-11-1-10 or IC 5-11-1-21 may have been committed, in the case of any other audited entity;

with notice of the referral published on the general assembly's Internet web site.

(6) Recommend that legislation be introduced in the general assembly to amend any statute under which

the audited entity is found to be noncompliant.

(g) The audit committee shall provide notice to the public officer of the audited entity that the audit committee intends to take further action not later than three (3) months after the audit committee receives the memorandum from the state board of accounts under subsection (f). However, the audit committee's notice may or may not specify the action or actions that the audit committee intends to take under subsection (f)."

Page 3, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 2. IC 5-11-5-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1.6. (a) This section applies to an audited entity (as defined in section 1.5 of this chapter) that is not a state agency, body corporate and politic, or state educational institution.**

(b) After June 30, 2018, the fiscal body of an audited entity shall adopt an ordinance or resolution that freezes the amount of the audited entity's budget allocated to the office of a public officer of the audited entity if the fiscal body receives information from the audit committee established by IC 2-5-1.1-6.3 that the public officer of the audited entity has refused to:

- (1) correct the audited entity's failure to observe a uniform compliance guideline established under IC 5-11-1-24(a); or**
- (2) comply with a specific law.**

The fiscal body of the audited entity shall maintain the freeze on the amount of the audited entity's budget allocated to the office of the public officer until the public officer completes the action necessary to correct the audited entity's failure or noncompliance under subdivision (1) or (2). The state examiner shall notify the fiscal body when corrective action has occurred."

(Reference is to HB 1031 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1079, 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 20-26-1-1, AS AMENDED BY P.L.121-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1. (a) IC 20-26-1 through IC 20-26-5 and IC 20-26-7 apply to all school corporations.**

(b) Notwithstanding subsection (a), IC 20-26-5-10 applies to a:

- (1) a school corporation;**
- (2) a charter school; and**
- (3) an accredited nonpublic school that employs one (1) or more employees.**

SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.106-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 10. (a) This section applies to a:**

- (1) school corporation;**
- (2) charter school; or**
- (3) a nonpublic school that employs one (1) or more employees.**

(b) A school corporation, including a charter school and a nonpublic school, shall adopt a policy concerning criminal

history information for individuals who:

(1) apply for:

- (A) employment with the school corporation, charter school, or nonpublic school; or
- (B) employment with an entity with which the school corporation, charter school, or nonpublic school contracts for services;

- (2) seek to enter into a contract to provide services to the school corporation, charter school, or nonpublic school; or
- (3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, charter school, or nonpublic school;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(c) A school corporation, including a charter school and a nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies.

(d) Except as otherwise provided in this subsection, a policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded criminal history check and an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or nonpublic school. However, if an applicant is hired:

- (1) after the beginning of the school year and starts work during the same school year; or**
- (2) within thirty (30) days before the beginning of the school year;**

the school corporation, charter school, or nonpublic school must conduct the expanded criminal history check before or not later than one (1) month after the applicant's employment by the school corporation, charter school, or nonpublic school.

(e) A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or nonpublic school. An expanded child protection index check made under this section must include inquiries to each state required under IC 20-26-2-1.3 in which information necessary to complete the expanded child protection index check is available.

(f) Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or nonpublic school to request an expanded criminal history check and an expanded child protection index check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation or school.

(g) A policy adopted under this section must state that the school corporation, charter school, or nonpublic school requires an expanded criminal history check and an expanded child protection index check concerning an employee of the school corporation, charter school, or nonpublic school who is likely to have direct, ongoing contact with children within the scope of the employee's employment. The checks must be conducted every five (5) years.

(h) In implementing subsection (g), and subject to subsection (k), a school corporation, charter school, or nonpublic school may update the background checks required under subsection (e) for employees who:

- (1) are employed by the school corporation, charter school, or nonpublic school as of July 1, 2017; and**
- (2) are likely to have direct, ongoing contact with children within the scope of the employee's**

employment;
 over a period not to exceed five (5) years by annually conducting updated expanded criminal history checks and expanded child protection index checks for at least one-fifth (1/5) of the total number of employees of the school corporation, charter school, or nonpublic school.

(i) The school corporation, charter school, or nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check and expanded child protection index check. Each applicant for noncertificated employment or certificated employment or an employee described in subsection (g) may be required at the time the individual applies any time to answer questions concerning the individual's expanded criminal history check and expanded child protection index check. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment or to deny an applicant's employment.

(j) The applicant or an employee described in subsection (g) is responsible for all costs associated with obtaining the expanded criminal history check and expanded child protection index check unless the school corporation, charter school, or nonpublic school has otherwise agreed to pay the costs.

(k) An applicant or employee may not be required by a school corporation, charter school, or nonpublic school to obtain pay costs associated with obtaining an expanded criminal history check or an expanded child protection index check more than one (1) time during a five (5) year period.

(l) Information obtained under this section must be used in accordance with law.

(m) A school corporation, charter school, or nonpublic school shall adopt a policy requiring the school employer to contact employment references and, if applicable, the most recent employer provided by a prospective employee, before the school employer may hire the prospective employee."

Delete page 2.

Page 3, delete lines 1 through 33.

Page 3, line 37, strike "public school" and insert "school corporation, charter school,".

Page 3, line 37, after "or" strike "a".

Page 6, between lines 11 and 12, begin a new line block indented and insert:

"(2) The person's conviction record has been expunged."

Page 6, line 12, delete "(2)" and insert "(3)".

Page 6, line 25, delete "immediately".

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

"(e) The department or an employee of the department is immune from civil liability for acting in compliance with this section. This subsection does not apply to acts or admissions amounting to gross negligence or willful or wanton misconduct.

SECTION 6. IC 31-33-26-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 19. Upon request by:**

(1) a school or school corporation;

(2) the state police; or

(3) a consumer reporting agency regulated under 15 U.S.C. 1681 et. seq.;

conducting an expanded child protection index check under IC 20-26-5-10, the department shall verify the accuracy of a substantiated report of child abuse or neglect listed in the child protection index established under section 2 of this chapter for an individual who is the subject of the expanded child protection index search.

SECTION 10. IC 34-30-2-134.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 134.1.**

IC 31-33-8-12.5 (Concerning the provision of notice of substantiated reports of child abuse or neglect to schools)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1079 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1100 as introduced.)

Committee Vote: Yeas 10, Nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1124, 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 14, delete "lumber or".

Page 1, line 14, after "assemblies" insert ", including joists and trusses,".

Page 2, line 9, delete "lumber or".

Page 2, line 9, after "assembly" insert ", joist, or truss".

Page 3, delete lines 7 through 17.

Page 3, line 18, delete "13." and insert "12.".

(Reference is to HB 1124 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1133, 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 32-31.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

ARTICLE 31.5. SHORT TERM RENTALS

Chapter 1. General Provisions

Sec. 1. This article applies only to short term rentals.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. (a) "Facilitator" means a person who:

(1) contracts or otherwise enters into an agreement:

(A) with a person who rents or furnishes rooms, lodgings, or accommodations for consideration; and
 (B) to market the rooms, lodgings, or accommodations through the Internet; and

(2) accepts payment from the consumer for the room, lodging, or accommodation.

(b) The term does not include a licensee (as defined in IC 25-34.1-1-2(6)) under the real estate broker licensing act (IC 25-34.1) or the owner of the room, lodging, or

accommodation.

Sec. 3. "Owner" means the person that owns a short term rental.

Sec. 4. "Rental" means use of a residential property for consideration paid to the owner of the residential property, directly or through a facilitator.

Sec. 5. (a) "Short term rental" means an individually or collectively owned:

- (1) single family home;
- (2) dwelling unit in a single family home;
- (3) dwelling unit or group of dwelling units in a condominium, cooperative, or time share; or
- (4) owner occupied residential home;

that is booked for rental to the public or rented to the public for periods of less than thirty (30) consecutive days, except that the total number of days the property is booked or rented during a calendar year may not exceed one hundred eighty (180) days.

(b) The term does not include property that is used for any nonresidential use.

Chapter 3. Insurance Requirements

Sec. 1. Not later than July 15, 2017, an owner, or a facilitator on the owner's behalf, shall maintain primary liability insurance that meets the following requirements:

- (1) The liability insurance is issued:
 - (A) by an insurance company that holds a certificate of authority to do insurance business in Indiana under IC 27-1-3-20; or
 - (B) through a surplus lines producer licensed under IC 27-1-15.8.
- (2) The language of the liability insurance policy:
 - (A) recognizes that the owner is an owner of a short term rental; and
 - (B) covers the owner for third party claims for death, bodily injury, or property damage occurring during the short term rental period.
- (3) The liability insurance must meet the following coverage requirements during a short term rental period:

(A) Primary liability insurance in an amount equal to at least one million dollars (\$1,000,000) per incident for death, bodily injury, and property damage.

(B) The insurance required by clause (A) provided by any of the following:

- (i) Liability insurance maintained by the owner.
- (ii) Liability insurance maintained by the facilitator.
- (iii) Liability insurance maintained by any combination of items (i) and (ii).

Sec. 2. If liability insurance maintained by an owner as described in section 1 of this chapter lapses or does not provide the required coverage:

- (1) liability insurance maintained by the facilitator must provide the required coverage beginning with the first dollar of a claim; and
- (2) the insurance company that issues the liability insurance described in subdivision (1) has a duty to defend the claim described in subdivision (1).

Sec. 3. Coverage under liability insurance maintained by a facilitator may not be dependent on a personal liability insurance company's first denying a claim for coverage under a personal liability insurance policy, nor may a personal liability insurance company be required to first deny a claim."

Page 1, line 16, delete "offered to the public for rental for less than thirty (30)" and insert "booked for rental to the public or rented to the public for periods of less than thirty (30) consecutive days, except that the total number of days the property is booked or rented during a calendar year may not exceed one hundred eighty (180) days."

Page 1, delete line 17.

Page 2, line 17, delete "does not prohibit the use of a property as a" and insert "**is performed in the same manner as enforcement that applies to similar properties that are not short term rentals.**"

Page 2, delete line 18.

Page 2, between lines 36 and 37, begin a new line block indented and insert:

"(5) To limit or prohibit short term rentals located within the boundaries of a conservancy district established under IC 14-33."

Renumber all SECTIONS consecutively.

(Reference is to HB 1133 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1136, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 4, delete "preschool" and insert ", **except as otherwise provided in this subsection,**".

Page 3, delete line 5.

Page 3, line 19, strike "However, a" and insert: "**If a school corporation provides preschool, the school corporation may allow preschool students to participate in the school corporation's school age child care program (commonly referred to as a latch key program) described in subdivision (1). A**".

(Reference is to HB 1136 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1171, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete ":" and insert "**concerns any matter that may result in the firefighter's:**

(1) termination; or

(2) demotion with cause."

Page 2, delete lines 9 through 19.

Page 2, line 22, delete ":" and insert "**and at the firefighter's own expense:**".

(Reference is to HB 1171 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1281, 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 11 through 17.

Delete page 2.

Page 3, delete lines 1 through 19.

Renumber all SECTIONS consecutively.

(Reference is to HB 1281 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1309, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1309 as introduced.)

Committee Vote: Yeas 11, Nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Select Committee on Government Reduction, to which was referred House Bill 1369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1369 as introduced.)

Committee Vote: Yeas 12, Nays 0.

GUTWEIN, Chair

Report adopted.

INTRODUCTION OF BILLS

With consent of the members, the following bills and joint resolutions on Bill List 13 were read a first time by title and referred to the respective committees:

HB 1445 — Judy

Committee on Public Policy

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

HB 1460 — Morris, Judy, Lucas

Committee on Ways and Means

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

HB 1461 — Clere, Ziemke, Summers

Committee on Family, Children and Human Affairs

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

HB 1504—Withdrawn

HB 1530 — Dvorak

Committee on Education

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

HB 1625 — Speedy

Committee on Courts and Criminal Code

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

HB 1626 — Negele

Committee on Utilities, Energy and Telecommunications

A BILL FOR AN ACT concerning utilities.

HB 1627 — Moed, Zent, Behning

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code

concerning environmental law.

HB 1628 — Smith V

Committee on Ways and Means

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

HB 1629 — Smith V

Committee on Ways and Means

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

HB 1630 — Smith V, Cook

Committee on Education

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

HB 1631 — Smith V

Committee on Ways and Means

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

HB 1632 — Smith V

Committee on Ways and Means

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

HB 1633 — Smith V

Committee on Local Government

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

HB 1634 — Smith V

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1635 — Smith V

Committee on Ways and Means

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

HB 1636 — Smith V

Committee on Roads and Transportation

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

HB 1637 — Smith V

Committee on Ways and Means

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

HB 1638 — Huston

Committee on Ways and Means

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

HB 1639 — Candelaria Reardon

Committee on Education

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

HB 1640 — Candelaria Reardon

Committee on Education

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

HB 1641 — Summers, Clere

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code

concerning corrections.

HB 1642 — Summers, Clere

Committee on Public Health

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

HB 1643 — Summers

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT concerning health.

HB 1644 — Summers

Committee on Employment, Labor and Pensions

A BILL FOR AN ACT concerning human services.

HB 1645 — Summers

Committee on Veterans Affairs and Public Safety

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

HB 1646 — Summers

Committee on Public Policy

A BILL FOR AN ACT concerning criminal law and procedure.

HB 1647 — Summers

Committee on Judiciary

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

HB 1648 — Austin, Steuerwald

Committee on Courts and Criminal Code

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

HB 1649 — Austin

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1650 — Porter

Committee on Courts and Criminal Code

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

HB 1651 — Porter

Committee on Courts and Criminal Code

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

HB 1652 — Forestal

Committee on Commerce, Small Business and Economic Development

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

HB 1653 — Macer

Committee on Family, Children and Human Affairs

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

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 11

Representatives McNamara, Bacon, Hatfield, Sullivan, Arnold, Austin, Aylesworth, Baird, Beumer, Borders, Bosma, Braun, C. Brown, T. Brown, Burton, Candelaria Reardon, Carbaugh, Cherry, Clere, Cook, Culver, Davisson, DeLaney,

DeVon, Dvorak, Eberhart, Ellington, Engleman, Errington, Forestal, Friend, Frizzell, Frye, GiaQuinta, Goodin, Hamilton, Hamm, Heaton, Heine, Huston, Jordan, Judy, Karickhoff, Kersey, Kirchhofer, Lawson, Lehe, Lehman, Leonard, Lucas, Lyness, Macer, Mahan, May, Mayfield, Miller, Moed, Morris, Moseley, Negele, Ober, Olthoff, Pierce, Pressel, Pryor, Richardson, Saunders, Schaibley, Shackelford, Siegrist, Slager, Smaltz, M. Smith, V. Smith, Speedy, Stemler, Steuerwald, Summers, Taylor, Thompson, Torr, VanNatter, Washburne, Wesco, Wolkins, Wright, Young, Zent and Ziemke introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION honoring Lilly King.

Whereas, Lilly King was born on February 10, 1997;

Whereas, Raised in Evansville, the daughter of Mark and Ginny King, Lilly King attends Indiana University in Bloomington and competes for the Hoosiers' swimming and diving team;

Whereas, During her freshman year, at the 2016 National Collegiate Athletic Association (NCAA) finals, Lilly King was crowned the NCAA champion in the 100 yard breaststroke (56.85) and 200 yard breaststroke (2:03.59), establishing herself as one of the best short course yards breaststroke swimmers in history;

Whereas, In winning the NCAA title, Lilly King set the American, NCAA, NCAA meet, United States Open, Indiana school, Big Ten, and Georgia Tech pool records;

Whereas, At the 2016 United States Olympic trials in Omaha, Nebraska, Lilly King won both the 100 meter breaststroke and the 200 meter breaststroke, qualifying for the Summer Olympics in Rio de Janeiro;

Whereas, During the swimming competition in Rio de Janeiro, Lilly King and the U.S. women's swimming team captured gold medals in the 100 meter breaststroke, setting a new Olympic record, and in the 400 meter medley relay;

Whereas, Lilly King is currently the U.S. 100 yard breaststroke recordholder with a time of less than 57 seconds and, along with her teammates, holds the 200 meter medley relay world record with a 1:43.27 time;

Whereas, Lilly King enjoyed an outstanding freshman year at Indiana University, amassing numerous awards and accolades, including winning NCAA titles in the 100 and 200 breaststroke, being named the CSCAA National Swimmer of the Year, the Big Ten Swimmer of the Year, first team All-Big Ten, and Big Ten Freshman of the Year, earning four All-America honors, and establishing herself as one of the best short course yards breaststroke swimmers in history;

Whereas, In recognition of her outstanding accomplishments, Lilly King was named the 2016 NCAA Female Swimmer of the Year and received USA Swimming's Golden Goggle Award as Breakout Performer of the Year; and

Whereas, Lilly King and her American teammates dominated Olympic swimming: 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 Lilly King on her outstanding Olympic performance and her many accomplishments both in and out of the pool and wishes Lilly King continued success in all her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Lilly King and her family.

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 Becker.

House Concurrent Resolution 12

Representatives Moseley and Zent introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION urging the United States Congress to enact legislation requiring the Department of Veterans Affairs to certify all licensure conductor trainee programs for GI Bill benefits as prescribed by the Post 9/11 Veterans Educational Assistance Act of 2010.

Whereas, Hoosier veterans returning home from Iraq and Afghanistan will be seeking employment;

Whereas, Railroads typically are among Indiana's top employers for hiring veterans;

Whereas, Many returning veterans are eligible for monthly on-the-job training (OJT) stipends from the GI Bill under CFR 21.4262 and the Post 9/11 Veterans Educational Assistance Act of 2010;

Whereas, The Indiana Department of Veterans Affairs, the state's approving agency, does not have standing to certify the existing railroad conductor training programs due to their training length which is typically 14 to 22 weeks;

Whereas, All railroad conductor programs in Indiana are considered on-the-job training and fall beneath the minimum length of training threshold (26 weeks) as defined in CFR 21.4262-2;

Whereas, These standards disqualify veterans training as railroad conductors in Indiana from accessing their earned GI Bill benefits;

Whereas, Effective January 1, 2012, all railroad conductor positions must be licensed under the 2008 Railroad Safety Improvement Act; and

Whereas, This new licensure standard qualifies all state conductor trainee programs for benefits under the Post 9/11 Veterans Educational Assistance Act of 2010: 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 acknowledges that until the Department of Veterans Affairs acknowledges the new licensure criteria, adopts a blanket program encompassing all railroad conductor trainee programs, and instructs the Indiana Department of Veterans Affairs to certify those programs, Hoosier veterans training as railroad conductors will not be able to access their earned GI Bill benefits.

SECTION 2. That the Indiana General Assembly encourages the United States Congress to enact legislation requiring the national Department of Veterans Affairs to certify all licensure conductor trainee programs for GI Bill benefits as prescribed by the Post 9/11 Veterans Educational Assistance Act of 2010.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each member of the Indiana Congressional delegation and the Commissioner of the Department of Veterans Affairs.

The resolution was read a first time and referred to the Committee on Veterans Affairs and Public Safety.

House Resolution 8

Representatives McNamara and Bacon introduced House Resolution 8:

A HOUSE RESOLUTION recognizing the Mater Dei Wildcats girls softball team on its Class 2A state championship.

Whereas, On June 11, 2016, at Ben Davis High School in Indianapolis, the Mater Dei girls softball team became the Class 2A state champion;

Whereas, The Wildcats defeated Boone Grove 1-0 in the championship game, marking the school's first state softball championship;

Whereas, In order to reach the championship game, Mater Dei defeated South Knox, Indianapolis Sccecina Memorial, and Eastern Hancock high schools;

Whereas, During the championship game, the Wildcats recorded 1 run, 7 hits, and no errors to Boone Grove's no runs, 2 hits, and 1 error;

Whereas, First year head coach Corinne Wildeman and the Wildcats finished their championship season with a record of 27 wins and 5 losses; and

Whereas, The people of the state of Indiana wish to congratulate the members and coaches of the Mater Dei High School Wildcats girls softball team for furthering the dream of all athletes to "win it all": Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Mater Dei High School girls softball team on its 2016 Class 2A state championship and wishes the team continued success in all its future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Kendyl Weinzapfel, Kaylee Caswell, Lindsay Merkley, Arley Will, Elizabeth Seng, Ali Maurer, Kailee McBride, Haley Elpers, Lynzie Drone, Taylor Sutherland, Alli Reker, Hannah Kissel, Sydney Maurer, Hannah Gantner, Megan Weinzapfel, Kat Mueller, Lindsey Fleck, Grace McCann, Stasha Glaser, Hannah Adler, Allie Goodin, Callie Naas, Emily Goodin, and Jessica Pauli; head coach Corinne Wildeman; assistant coaches Ben Goodin and Hannah Frederick; team managers Kaleigh Meier and Jen Pauli; principal Darin Knight; and president Dr. Timothy Dickel.

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

Representatives Summers and V. Smith, who had been excused, are now present.

HOUSE BILLS ON SECOND READING

House Bill 1080

Representative Frizzell called down House Bill 1080 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1260

Representative Soliday called down House Bill 1260 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1018

Representative Aylesworth called down Engrossed House Bill 1018 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 15: yeas 62, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Niemeyer.

Engrossed House Bill 1065

Representative Steuerwald called down Engrossed House Bill 1065 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 16: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

Engrossed House Bill 1101

Representative Cherry called down Engrossed House Bill 1101 for third reading:

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

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on the question of House Bill 1101. Pursuant to House Rule 46, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am the sole owner of numerous road signs which are the subject of this legislation, and this matter will directly benefit me.

SMALTZ

Motion prevailed.

Roll Call 17: yeas 68, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Crider and Doriot.

Engrossed House Bill 1102

Representative Clere called down Engrossed House Bill 1102 for third reading:

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

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

Roll Call 18: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Grooms, Becker and Breaux.

Engrossed House Bill 1122

Representative Wesco called down Engrossed House Bill 1122 for third reading:

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

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

Roll Call 19: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Zakas.

Engrossed House Bill 1230

Representative Wolkins called down Engrossed House Bill 1230 for third reading:

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

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

Roll Call 20: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bassler.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1309 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the reassignment of House Bill 1343 from the Committee on Education to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1018.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Morris be added as coauthor of House Bill 1027.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin and Stemler be added as coauthors of House Bill 1101.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1191.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartlett, Zent and Leonard be added as coauthors of House Bill 1186.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as coauthor of House Bill 1279.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1365.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dvorak, Hatfield and J. Young be added as coauthors of House Bill 1407.

WASHBURNE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lucas, Morris and VanNatter be added as coauthors of House Bill 1446.

JUDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Steuerwald be added as coauthor of House Bill 1450.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Gutwein and Errington be added as coauthors of House Bill 1495.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Macer and Zent be added as coauthors of House Bill 1508.

JUDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Sullivan and Austin be added as coauthors of House Bill 1512.

BRAUN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as coauthor of House Bill 1525.

SULLIVAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1539.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Shackelford be added as coauthor of House Bill 1544.

DAVISSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Morris and V. Smith be added as coauthors of House Bill 1592.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Speedy be added as coauthor of House Bill 1626.

NEGELE

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 5 and 6 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 9 and 10 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bacon, the House adjourned at 2:37 p.m., this twenty-fourth day of January, 2017, until Thursday, January 26, 2017, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives