



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Thirty-eighth Meeting Day

Tuesday Afternoon

March 31, 2015

The Senate convened at 2:55 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Chaplain Mark Ward, Tipton County Sheriff's Department.

The Pledge of Allegiance to the Flag was led by Senator James R. Buck.

The Chair ordered the roll of the Senate to be called. Those present were:

| | |
|-------------|---|
| Alting | Leising |
| Arnold | Long |
| Banks, A. | Merritt |
| Bassler | Messmer |
| Becker | Miller, Patricia |
| Boots | Miller, Pete |
| Bray | Mishler |
| Breaux | Mrvan |
| Broden | Niemeyer |
| Brown | Perfect |
| Buck | Raatz |
| Charbonneau | Randolph |
| Crider | Rogers |
| Delph | Schneider <input checked="" type="checkbox"/> |
| Eckerty | Smith |
| Ford | Steele |
| Glick | Stoops |
| Grooms | Tallian |
| Head | Taylor |
| Hershman | Tomes |
| Holdman | Walker |
| Houchin | Waltz |
| Kenley | Yoder |
| Kruse | Young, M. |
| Lanane | Zakas |

Roll Call 351: present 49; excused 1. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 46

Senate Concurrent Resolution 46, introduced by Senator Houchin:

A CONCURRENT RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of state payments in lieu of property taxes.

Whereas, Decreasing revenues and growing budgetary pressures for local governments have led to heightened interest in payments in lieu of taxes (PILOTs) on state owned or leased property;

Whereas, PILOTs would affect only a county in which at least fifteen percent (15%) of all land in the county is owned or leased by the state of Indiana or the Federal Government and is subject to an exemption from property taxes;

Whereas, A "qualified parcel" means a parcel of land that is owned or leased by the state of Indiana, subject to an exemption from property taxes, and situated in a county where at least fifteen percent (15%) of all land in the county is owned or leased by the state of Indiana or the Federal Government; and

Whereas, It behooves the state of Indiana to study all possible ways to assist local governments under budgetary pressure in counties in which at least fifteen percent (15%) of all land in the county is owned or leased by the state of Indiana or the Federal Government and is subject to an exemption from property taxes: 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 legislative council is urged to assign to the appropriate study committee the topic of state payments in lieu of property taxes.

The resolution was read in full and referred to the Committee on Tax & Fiscal Policy.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill 1045, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "IC 34-31-11," and insert "**IC 34-31-11.4**,".

Page 1, line 15, delete "an" and insert "**an**:".

Page 2, line 1, delete "approved:".

Page 2, line 3, after "(2)" insert "**approved**:".

Page 2, line 4, after "(3)" insert "**approved**:".

Page 2, line 10, delete "IC 34-31-11," and insert "**IC 34-31-11.4**,".

Page 2, line 14, delete "IC 34-31-11," and insert "**IC 34-31-11.4**,".

Page 2, line 39, delete "IC 34-31-11," and insert "IC 34-31-11.4,".

Page 2, line 40, delete "facility." and insert "facility who is using the facility for the recreational purpose for which it was primarily designed. However, the term does not include a person participating in or attending an intercollegiate or interscholastic event.".

Page 2, line 41, delete "IC 34-31-11" and insert "IC 34-31-11.4".

Page 3, line 2, delete "11." and insert "11.4".

Page 3, line 5, delete "an approved:" and insert "an:".

Page 3, line 7, after "(2)" insert "approved".

Page 3, line 8, after "(3)" insert "approved".

Page 3, line 9, delete "of" and insert "of:

(1)".

Page 3, line 10, delete "IC 34-31-6.5." and insert "IC 34-31-6.5; or

(2) a recreational facility with respect to an activity:

(A) for which the recreational facility is not primarily designed (even if the recreational facility is designed to allow this activity); or

(B) that is not recreation.".

Page 3, line 11, delete "An" and insert "To qualify for limited liability under this chapter, an".

Page 3, delete lines 40 through 41.

Page 3, line 42, delete "(3)" and insert "(2)".

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

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

Page 4, line 4, delete "(6)" and insert "(5)".

Page 4, line 8, delete "(7)" and insert "(6)".

Page 4, line 37, delete "apply." and insert "apply, unless IC 34-13-3 applies to the operator.

(c) If IC 34-13-3 applies to an operator, the liability of the operator under section 2 of this chapter is subject to IC 34-13-3 and IC 34-51-2-2.".

(Reference is to HB 1045 as reprinted February 3, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill 1050, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 34-11-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 14. (a) As used in this section, "survey" means the practice of surveying as defined in IC 25-21.5-1-7 or the work product of the practice of surveying.**

(b) An action to recover damages against a person who prepared a survey based on an alleged deficiency in the

survey must be commenced not later than ten (10) years from the date the survey, plat, or other work product that resulted from the survey was delivered to the client.

(Reference is to HB 1050 as printed January 13, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 2. This article does not apply to any of the following:

(1) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).

(2) A technology transfer organization owned by or affiliated with an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).

(3) A licensee holding a patent from:

(A) an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)); or

(B) a technology transfer organization owned by or affiliated with an approved postsecondary educational institution;

if the patent has been licensed by the approved postsecondary educational institution or technology transfer organization.".

Page 4, delete lines 29 through 42, begin a new line block indented and insert:

"(5) The person is:

(A) the inventor or joint inventor of the patent; or
(B) if the patent was filed by and awarded to an assignee of the original inventor or joint inventor, the original assignee.".

Page 5, delete lines 1 through 5.

(Reference is to HB 1102 as printed February 10, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill 1319, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 33, delete "investments" and insert "improvements".

Page 2, line 42, after "property" insert "of the distressed utility".

Page 3, line 17, delete "investments" and insert "improvements".

Page 3, line 24, after "more" insert "state or federal".

Page 3, line 25, delete "of the commission or the department".

Page 3, line 26, "of environmental management".

Page 3, line 34, after "distribution" insert "or collection".

Page 3, line 34, after "system" delete "," and insert "or operations,".

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 5.

Page 4, line 6, delete "8." and insert "7.".

(Reference is to HB 1319 as printed February 17, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "Except as provided in section 9(c) and 9(d)".

Page 2, line 12, delete "of this chapter, a" and insert "A".

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 15. IC 13-20-25-9, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) A recycler shall report the recycler's recycling activities under this section. A recycler may elect to report the recycler's recycling activities on an annual basis under subsection (b) or on a quarterly basis under subsection (c).

(b) A recycler that elects to report on an annual basis shall, in ~~2015~~ **2016** and each succeeding calendar year, before ~~August 1,~~ **March 1**, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the ~~calendar~~ **calendar** year that ended on the most recent ~~June 30;~~ **December 31**.

(c) A recycler that elects to report on a quarterly basis shall, for the July through September quarter of 2014 and each succeeding quarter, not more than thirty (30) days after the end of the quarter, submit to the commissioner a completed recycling activity report concerning the recycling activities conducted by the recycler during the quarter. A quarterly report submitted under this subsection must concern the recycling activities conducted by the recycler during the period of:

- (1) July through September;
- (2) October through December;
- (3) January through March; or
- (4) April through June.

(d) A recycler shall submit a separate recycling activity report under this section for each reporting period, whether annual or quarterly, for each facility:

- (1) that was owned or operated by the recycler; and
- (2) at which the recycler conducted recycling activities; during the reporting period.

SECTION 16. IC 13-20-25-10, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A person:

(1) who:

- (A) is not required to submit a recycling activity report under section 9 of this chapter; but
- (B) recycled recyclable materials during a ~~calendar~~ **calendar** year;

(2) who:

- (A) meets the definition of "scrap metal processing facility" set forth in IC 8-23-1-36;
- (B) meets the definition of "automotive salvage recycler" set forth in IC 9-13-2-10;
- (C) meets the definition of "disposal facility" set forth in IC 9-13-2-44;
- (D) is engaged in business subject to IC 9-22-3;
- (E) meets the definition of "automotive salvage rebuilder" set forth in IC 9-32-2-5;
- (F) meets the definition of "scrap metal processor" set forth in IC 13-11-2-196.5;
- (G) meets the definition of "core buyer" set forth in IC 25-37.5-1-0.2; or
- (H) meets the definition of "valuable metal dealer" set forth in IC 25-37.5-1-1(b); or

(3) who:

- (A) is not required to submit a recycling activity report under section 9 of this chapter; but
- (B) took action during a ~~calendar~~ **calendar** year to recover, from the solid waste stream, for purposes of:
 - (i) use or reuse;
 - (ii) conversion into raw materials; or
 - (iii) use in the production of new products; materials that were not municipal waste;

may voluntarily submit a recycling activity report to the commissioner concerning the person's recycling activity during the ~~calendar~~ **calendar** year.

(b) The commissioner shall include information reported to the commissioner under this section in the annual reports that the commissioner is required to submit under section 14 of this chapter.

SECTION 17. IC 13-20-25-11, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), a recycling activity report submitted to the commissioner under this chapter must be submitted on the uniform recycling activity report form posted by the commissioner on the department's Internet web site under section 12 of this chapter.

(b) If a uniform recycling activity report form is not posted on the department's Internet web site by July 1 in a calendar year in which a recycler is required to submit a completed recycling activity report under section 9(a) of this chapter, the recycler may satisfy the recycler's duties under this chapter by submitting to the commissioner, by a letter postmarked before August 1 of the

calendar year, the types of information about the recycler's recycling activities during the ~~fiscal~~ **calendar** year that are set forth in section 12 of this chapter.

SECTION 18. IC 13-20-25-12, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Not later than July 1, 2015, the commissioner shall post on the department's Internet web site a uniform recycling activity report form. The form must do the following:

- (1) Provide for reporting of the:
 - (A) name and location of; and
 - (B) principal business activities conducted at; the recycler's establishment.
- (2) Include:
 - (A) an appropriate space for; and
 - (B) instructions requiring the completion of; an appropriate certification, by signature of the recycler (if the recycler is an individual) or a senior official with management responsibility for the recycler (if the recycler is not an individual), of the accuracy and completeness of the recycling activity report.
- (3) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was in storage at the reporting recycler's establishment:
 - (A) at the start of the ~~fiscal~~ **calendar** year; and
 - (B) at the close of the ~~fiscal~~ **calendar** year.
- (4) Provide for reporting of the quantity, in tons, of each type of recyclable material listed in subsection (b) that was transported from the reporting recycler's establishment, or (in the case of a recycler that is a recyclable materials broker) that was transported or delivered by arrangement of the recycler, to any of the following:
 - (A) Other recyclers located in Indiana.
 - (B) Persons that are located in Indiana but are not recyclers, including persons who may employ the recyclable material as a raw material or a new product without further recycling.
 - (C) Persons located outside Indiana.
- (b) The uniform recycling activity report form posted on the department's Internet web site under subsection (a) must specify that the information to be reported by a recycler under subsection (a)(3) and (a)(4) must be reported separately for each of the following types of recyclable materials:
 - (1) Glass.
 - (2) Metal, including white goods (ferrous).
 - (3) Metal (nonferrous).
 - (4) Paper and paper products (all grades).
 - (5) Plastic and plastic products.
 - (6) Single stream recyclable materials.
 - (7) Any other distinct type of recyclable material not specified in subdivisions (1) through (6).

SECTION 19. IC 13-20-25-14, AS ADDED BY P.L.126-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. Not later than December 31, 2015, and each succeeding calendar year, the commissioner shall submit to the executive director of the legislative services agency, in an electronic format under

IC 5-14-6, a report summarizing the information obtained through the recycling activity reports submitted to the commissioner under this chapter concerning the ~~fiscal~~ **calendar** year most recently ended. The executive director of the legislative services agency shall forward the report to the members of the standing committees of the senate and the house having subject matter jurisdiction most closely related to the subject of recycling."

Renumber all SECTIONS consecutively.

(Reference is to HB 1350 as printed January 30, 2015.) and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 1, delete line 3 and insert "JANUARY 1, 2016]:".
- Page 1, line 10, delete "judgment has not been:" and insert **"judgment:"**.
- Page 1, line 11, after "(A)" insert **"has not been"**.
- Page 1, line 12, after "(B)" insert **"has not been"**.
- Page 1, line 12, delete "or".
- Page 1, line 13, after "(C)" insert **"has not been"**.
- Page 1, line 13, delete "bankruptcy." and insert **"bankruptcy;**

or
(D) is not subject to the terms of a repayment plan with the judgment creditor that has not been breached."

- Page 2, line 6, delete "refund" and insert **"refund, less any part owed to a nonobligated spouse,"**.
- Page 2, line 10, delete "writ of" and insert **"petition for"**.
- Page 2, line 11, after "lies." insert **"A petition for garnishment filed under this chapter may be filed not earlier than thirty (30) days from the entry of judgment."**
- Page 2, line 12, delete "writ of" and insert **"petition for"**.
- Page 2, line 25, delete "debtor's right" and insert **"right of the debtor or the debtor's spouse"**.
- Page 2, line 29, after "debtor" insert **"and the debtor's spouse"**.
- Page 2, line 29, delete "debtor's".
- Page 2, line 30, delete "debtor's".
- Page 2, between lines 30 and 31, begin a new line block indented and insert:
"(8) The full name, address, and telephone number of the judgment creditor.
(9) The judgment creditor's address for service of process in Indiana, if different from the judgment creditor's address in subdivision (8)."
- Page 2, line 31, delete "writ of" and insert **"petition for"**.
- Page 2, line 35, delete "a writ of garnishment" and insert **"an order of garnishment issued"**.

Page 2, line 37, delete "writ of" and insert "**petition for**".

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

"(b) If:

(1) the state tax refund includes an amount payable to the spouse of the debtor; and

(2) the spouse is not obligated to pay the judgment on the debt;

the court shall reduce the amount of the state tax refund subject to garnishment on a pro rata basis. The spouse of the debtor has the burden of proving the facts described in subdivisions (1) and (2) and establishing the amount of the state tax refund that is not subject to garnishment."

Page 2, line 41, delete "(b)" and insert "(c)".

Page 2, line 41, after "debtor, the" insert "court shall issue an order of garnishment. In its order of garnishment, the court shall clearly indicate that the debtor requested a hearing to determine whether any part of the state tax refund is attributable to the spouse of the debtor. The order shall determine by what percentage the amount of the state tax refund subject to garnishment shall be reduced, if any, as determined in subsection (b). The".

Page 2, line 42, delete "writ" and insert "order".

Page 3, line 1, delete "writ" and insert "order".

Page 3, line 2, delete "in the same manner" and insert "as follows:

(1) If the debtor did not file a joint tax return, the department shall deposit up to one hundred percent (100%) of the debtor's state tax refund, subject to the terms of the garnishment order, with the person described in subsection (f).

(2) Except as provided in subsection (d), if:

(A) the debtor filed a joint tax return; and

(B) the debtor did not object to the garnishment under subsection (a);

the department shall deposit not more than fifty percent (50%) of the debtor's state tax refund, subject to the terms of the garnishment order, with the person described in subsection (f).

(3) If:

(A) the debtor filed a joint tax return; and

(B) the debtor objected to the garnishment under subsection (a);

the department shall, subject to the terms of the garnishment order, deposit up to one hundred percent (100%) of the debtor's state tax refund, less the amount excluded from garnishment, if any, with the person described in subsection (f).

The department shall calculate the amount subject to garnishment after deducting the amounts described in section 10 of this chapter."

Page 3, delete line 3.

Page 3, line 4, delete "(c)" and insert "(d)".

Page 3, line 6, delete "writ of garnishment and the judgment" and insert "**petition for garnishment and issue an order of garnishment. In its order for garnishment, the court shall clearly state that the debtor did not file an objection.**".

Page 3, delete lines 7 through 12, begin a new paragraph and insert:

"(e) If debt reduced to a judgment is jointly owed by a debtor and the spouse of a debtor, the department shall deposit up to one hundred percent (100%) of the debtor's state tax refund, subject to the terms of the garnishment order, with the person described in subsection (f).

(f) The department shall deposit an amount garnished under this chapter with the:

(1) judgment creditor's attorney of record in the garnishment action, if the judgment creditor was represented by an attorney in the garnishment action; or

(2) judgment creditor or the judgment creditor's designee, if the judgment creditor is not represented by an attorney in the garnishment action."

Page 3, line 13, delete "writs" and insert "orders".

Page 3, line 15, delete "writ" and insert "order".

Page 3, line 17, delete "writ" and insert "order".

Page 3, line 19, delete "entirety." and insert "**entirety, subject to the terms of the order.**".

Page 3, line 22, delete "writ" and insert "order".

Page 3, line 24, delete "writ" and insert "order".

Page 3, line 26, delete "a writ" and insert "**an order**".

Page 3, line 28, delete "writ" and insert "order".

Page 3, line 33, delete "6(c)" and insert "6".

Page 3, line 35, delete "a writ" and insert "**an order**".

Page 3, line 37, delete "6(c)" and insert "6".

Page 3, line 41, after "garnishment" insert "order".

(Reference is to HB 1358 as printed February 3, 2015.) and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 8, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 28, delete "The" and insert "**Not later than July 1, 2016, the**".

Page 2, line 28, after "adopt" insert "**emergency rules in the manner provided under IC 4-22-2-37.1 or**".

(Reference is to HB 1397 as printed February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill 1453, has had the same under consideration and begs leave to report the same back

to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 7 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 36, delete "breeders" and insert "breeder's".

Page 3, delete lines 15 through 17, begin a new line block indented and insert:

"(1) either:

(A) meets the requirements set forth in this chapter; or

(B) for a person who operated a hunting preserve during the 2014 calendar year, meets the requirements set forth in this chapter, except as provided in section 6(c) and 6(d) of this chapter; and".

Page 3, line 18, delete "(3)" and insert "(2)".

Page 3, line 19, delete "this" and insert "subsection (a)(1)(B)".

Page 3, line 20, delete "section".

Page 3, line 23, delete "before December 31," and insert "during the".

Page 3, line 23, after "2014" insert "calendar year".

Page 3, line 24, after "operation" insert "during the 2014 calendar year."

Page 3, delete line 25.

Page 3, line 37, delete "two thousand dollars (\$2,000)." and insert "three hundred dollars (\$300)".

Page 3, line 38, delete "distributed" and insert "deposited".

Page 3, line 40, delete "department." and insert "fish and wildlife fund established by IC 14-22-3-2."

Page 4, delete lines 2 through 10, begin a new paragraph and insert:

"Sec. 5. Permitted animals, including their products, that are born and raised on a farm in Indiana are the property of the licensed owner of the hunting preserve containing the permitted animals."

Page 4, delete lines 15 and 16, begin a new line block indented and insert:

"(1) Except as provided under subsection (c), the hunting preserve must contain at least:

(A) one hundred twenty-five (125) contiguous acres where cervidae are hunted; and

(B) one hundred sixty (160) acres total."

Page 4, line 17, delete "The" and insert "Except as provided under subsection (d), the".

Page 4, line 18, delete "eight (8)" and insert "ten (10)".

Page 4, line 26, delete "a site" and insert "an annual".

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"(c) The hunting preserve for a person who qualifies for a license under section 4(a)(1)(B) of this chapter must contain not less than one hundred (100) contiguous acres in the area where cervidae are hunted.

(d) The hunting preserve for a person who qualifies for a license under section 4(a)(1)(B) of this chapter must be enclosed by a fence that is at least eight (8) feet in height and

not more than six (6) inches above the ground. This subsection expires December 31, 2015."

Page 4, line 34, delete "not".

Page 4, line 34, after "have a" insert "special".

Page 4, line 34, delete "." and insert "issued by the department.

(b) The department:

(1) shall issue a special hunting license that is required under subsection (a); and

(2) may appoint owners or managers of a hunting preserve as agents to sell the special hunting license.

(c) A special hunting license expires on April 30 immediately following the date the license is effective.

(d) All fees collected under this section shall be deposited in the fish and wildlife fund established by IC 14-22-3-2."

Page 4, line 35, delete "(b)" and insert "Sec. 10. (a)".

Page 4, line 38, delete "fifty dollars (\$50)" and insert "seventy-five (\$75)".

Page 4, line 42, delete "(c)" and insert "(b)".

Page 5, line 2, delete "(d)" and insert "(c)".

Page 5, line 4, delete "(e)" and insert "(d)".

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

Page 5, line 8, delete "(f)" and insert "(e)".

Page 5, line 13, delete "10." and insert "11."

Page 5, line 26, delete "11." and insert "12."

Page 5, line 34, delete "12." and insert "13."

Page 5, between lines 38 and 39, begin a new paragraph and insert:

"(c) If a cervidae has been sedated, the hunting preserve may not allow the cervidae to be hunted within twenty-four (24) hours of sedation."

Page 5, line 39, delete "13." insert "14. (a)".

Page 5, between lines 41 and 42, begin a new paragraph and insert:

"(b) At any reasonable time, the:

(1) department may inspect a hunting preserve to investigate a complaint; and

(2) Indiana board of animal health may inspect a hunting preserve to investigate an issue concerning animal health."

Page 6, after line 3, begin a new paragraph and insert:

"SECTION 8. IC 15-17-7-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to cervidae on a hunting preserve licensed under IC 14-22-20.7.

(a) (b) Owners of cattle, goats, or cervids that are destroyed because they have:

(1) reacted positively to a tuberculin test administered by:

(A) the state veterinarian or the state veterinarian's agent; or

(B) an agent of the United States Department of Agriculture; or

(2) been exposed to tubercular animals;

are entitled to be indemnified for the cattle, goats, or cervids under the rules of the board and the United States Department of Agriculture, as applicable.

(b) (c) Indemnification by the state may not exceed the per animal limit set in the rules of the board.

(c) (d) Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal.

(d) (e) State indemnity may not exceed federal indemnity on each animal.

SECTION 9. IC 15-17-10-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b), an indemnity payment may not be made for the following:

(1) Animals or objects belonging to the United States.

(2) Animals or objects belonging to the state.

(3) Animals or objects brought into the state or moved in violation of this article, the rules of the board, or an agreement for the control of diseases or pests.

(4) Animals that were previously affected by any other disease or pest, which, from its nature and development, caused an incurable condition and was necessarily fatal.

(5) Animals or objects affected with disease or pest of animals that the owner purchased, knowing that the animals or objects were infected with or exposed to a disease or pest of animals, including animals or objects purchased from a place where a contagious disease or pest of animals was known to exist.

(6) Any animal or object that the owner or the owner's agent intentionally infects with or exposes to a disease or pest of animals.

(7) Any animal or object for which the owner received indemnity or reimbursement from any other source.

(8) Any cervidae or objects on a hunting preserve licensed under IC 14-22-20.7.

(b) The board may pay indemnity for animals or objects described in subsection (a)(3) through (a)(5) if the board finds that payment of indemnity is necessary to accomplish the purposes of this article.

SECTION 10. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1453 as printed February 10, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

GLICK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1618, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

YODER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 30

Senate Concurrent Resolution 30, introduced by Senator Messmer:

A CONCURRENT RESOLUTION honoring the Indiana members of the First Special Service Force, recipients of the Congressional Gold Medal.

Whereas, The First Special Service Force of the United States was officially formed on July 20, 1942, at Fort Harrison as a joint World War II American-Canadian commando unit;

Whereas, Prior to deployment, force members received vigorous training in stealth tactics, hand-to-hand combat, demolition methods, parachuting, and rock-climbing;

Whereas, The First Special Service Force embarked on several missions, including strategic operations in Italy, Anzio, and France from 1943 through 1944, each of which were successful until the unit's disbandment in December 1944;

Whereas, Due to the group's unique training, the members of the First Special Service Force were able to take impenetrable objectives, such as defense strongholds in the Italian mountains, Monte la Difensa and Monte la Remetanea, which had only been subject to futile attempts previously;

Whereas, In Anzio, the force earned its popular name, the "Devil's Brigade," for fighting for 99 days without relief and overtaking strategic land, including the Mussolini Canal sector, through covert night operations during which the brigade members would smear their faces with black boot polish;

Whereas, The Devil's Brigade was also integral in capturing Rome, securing seven bridges and being among the first Allied units to enter the city;

Whereas, Among the 1,800 brigade volunteers overall, approximately 92 members were from Indiana;

Whereas, On February 3, 2015, the entire unit was awarded with a Congressional Gold Medal in Washington, D.C., the United States' highest award for distinguished achievement; and

Whereas, Such service and bravery deserves to be honored and recognized: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the Indiana members of the First Special Service Force for their valor in a significant part of World War II's history.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the surviving Indiana members of the First Special Service Force, Marion Adams,

Robert George, Russell Gordon, Joseph Sharp, and Dominic Trimboli, and the families of the fallen Indiana members of the unit.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Arnold.

House Concurrent Resolution 61

House Concurrent Resolution 61, sponsored by Senator Head:

A CONCURRENT RESOLUTION congratulating the North Miami High School girls softball team.

Whereas, The North Miami High School girls softball team is the 2014 Class 1A state champion;

Whereas, The Warriors took home the first state championship in school history in the sport by defeating North Daviess High School 3-1 in extra innings at Ben Davis High School in Indianapolis;

Whereas, After North Miami tied the game in the top of the sixth inning, North Miami and North Daviess played evenly until the top of the 10th inning;

Whereas, Taking advantage of opportunities early in the 10th inning, North Miami pushed across two runs to secure the victory;

Whereas, After being intentionally walked for the fourth time of the day, junior Josie Wood scored from first on a fielding error on a hard-hit ball by sophomore Josie Knauff; Senior Savannah Davis then hit a single to right field, scoring Knauff for the second run;

Whereas, Head coach Rob Cooley's Warriors finished the season with a 29-4 record; and

Whereas, Outstanding accomplishments, whether on the athletic field or in the classroom, deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the North Miami High School girls softball team on its 2014 Class 1A state championship and wishes the players continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Josie Wood, Gabby Wilkinson, Alex Grant, Carlee Lefebvre, Alicyn Enyart, Jady See, Alicia Tooley, Alyssa Bishop, Ally Sumpter, Josie Knauff, Maricela Dickson, Emmy Grant, and Savannah Davis; Assistant Coach Jon Mitchell; Head Coach Rob Cooley; Athletic Director Steve Linn; Principal Nathan Stauffer; and Superintendent Cathy Egolf.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that the following memorial resolution be adopted:

SCR 43 Senator Head

Memorializing Sergeant Jarrod W. Black

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 43

Senate Concurrent Resolution 43, introduced by Senator Head:

A CONCURRENT RESOLUTION memorializing the honorable life and service of United States Army Sergeant Jarrod W. Black.

Whereas, Jarrod W. Black, a resident of Peru, Indiana, dutifully served in the United States Army from 1999 until 2003;

Whereas, In September 2003, Jarrod was deployed to Iraq as a member of the 1st Battalion, 34th Armor Regiment, on a mission for Operation Iraqi Freedom;

Whereas, On December 12, 2003, Jarrod's convoy was struck by an improvised explosive device outside of Baghdad, and Jarrod died as a result of injuries incurred from his tanker exploding;

Whereas, Jarrod had assumed great personal danger by taking the position of gunner, despite the ordinary practice of having sergeants ride inside of the vehicles;

Whereas, Jarrod is remembered for his love of life and family, as well as his charm and smile;

Whereas, In commemoration of Jarrod and others who have served bravely, Miami County is naming a bridge after all of the fallen soldiers of Miami County; and

Whereas, Such service and valor deserves to be honored and recognized: 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 memorializes the honorable life and service of United States Army Sergeant Jarrod W. Black.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Jarrod's family, including his father Bill Black, his mother Jane Black, his sons Jacob and Jason Black, and his daughter Sheridan Black.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Friend.

SENATE MOTION

Madam President: I move that the following resolutions be adopted:

- SR 49 Senator Hershman
Urging study of heavy equipment rental tax reform.
SCR 33 Senator Patricia Miller
Recognizing Julie Workman
HCR 51 Senator Grooms
Honoring Lawrence J. Sage on the occasion of his retirement.

RESOLUTIONS ON FIRST READING

Senate Resolution 49

Senate Resolution 49, introduced by Senator Hershman:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate committee the topic of heavy equipment rental tax reform.

Whereas, The assessment, appraisal, and taxing of heavy equipment rental fleets in Indiana can be inconsistently applied causing a significant imbalance among rental companies and heavy equipment property;

Whereas, There is a significant cost to the company to file and work through appeals and possible litigation to resolve valuation issues; and

Whereas, These problems also create an additional cost burden for the political subdivisions both in resources and time: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate committee the topic of heavy equipment rental tax reform.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 33

Senate Concurrent Resolution 33, introduced by Senator Patricia Miller:

A CONCURRENT RESOLUTION recognizing Julie Workman and urging the governor to proclaim September as Brain Aneurysm Awareness Month.

Whereas, Julie Workman is one of the lucky people who has survived a ruptured brain aneurysm;

Whereas, Like all survivors, Julie faced challenges on her road to recovery: Physical challenges, emotional challenges, depression, and potential deficits;

Whereas, Only through knowledge and understanding will we be better able to help other survivors and ensure that all of their rights are protected;

Whereas, Although relatively uncommon, ruptured aneurysms are very serious and usually associated with a high mortality rate and disability;

Whereas, A brain aneurysm, also referred to as a cerebral aneurysm or intracranial aneurysm, is a weak bulging spot on the wall of a brain artery;

Whereas, The blood flow within the artery pounds against the thinned portion of the wall, and bulging spots form that begin to swell outward;

Whereas, Pressure may cause this aneurysm to rupture, allowing blood to escape into the space around the brain, which usually requires advanced surgical treatment;

Whereas, It is critical that we help raise awareness of brain aneurysms, including methods of early detection and treatment; and

Whereas, As a lifelong Hoosier, having been born in Indianapolis, raised in Greenfield, and now residing in Mooresville, it is fitting to recognize Julie Workman and urge public awareness to minimize the devastating effects of brain aneurysms throughout the state of Indiana: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes Julie Workman for her tenacity and dedication to recovery and encourages her to continue working toward a full recovery. The members of the Indiana General Assembly also urge Governor Michael Pence to proclaim September as Brain Aneurysm Awareness Month so that all Hoosiers may become more aware of the symptoms and effects of brain aneurysms.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Julie Workman and the Brain Aneurysm Foundation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Kirchhofer and Cherry.

House Concurrent Resolution 51

House Concurrent Resolution 51, sponsored by Senator Grooms:

A CONCURRENT RESOLUTION honoring Lawrence J. Sage on the occasion of his retirement.

Whereas, Lawrence J. Sage has been the executive vice president of the Indiana Pharmacists Alliance since January 1, 1998;

Whereas, Lawrence served as the executive vice president of the Indiana Pharmacists Association from April 15, 1991, until a merger of the Indiana Pharmacists Association (IPA) and the Indiana Society of Health-System Pharmacists (ISHP) created the alliance;

Whereas, Lawrence was the deputy director for the Indiana Health Professions Bureau prior to accepting the position with the Indiana Pharmacists Association and served as the director for the Indiana Board of Pharmacy for two years while with the Health Professions Bureau;

Whereas, Lawrence has displayed outstanding leadership qualities and demonstrated honest and ethical behavior in all his professional endeavors throughout the years and has proven his commitment to the alliance and its accomplishments;

Whereas, Lawrence received a bachelor's degree in political science and a master's degree in public affairs from Indiana University and is a graduate of the United States Chamber of Commerce Institute for Organizational Development and the Indiana Governors Executive Development Institute;

Whereas, Throughout his professional career, Lawrence has effectively and successfully communicated with senators and representatives as well as pharmacy professionals and community leaders in Indiana and across the country and urged young pharmacists to become involved in their state association and take active roles in leadership; and

Whereas, Lawrence's hard work and confidence in the association have helped mold the Indiana Pharmacists Alliance into the organization it is today: Therefore,

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

SECTION 1. That the Indiana General Assembly wishes to acknowledge the many contributions made by Lawrence J. Sage to the Indiana Pharmacists Alliance, congratulate him on his retirement, and wish him much happiness and health in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Lawrence J. Sage.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1016

Senator Merritt called up Engrossed House Bill 1016 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1145

Senator Patricia Miller called up Engrossed House Bill 1145 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1145-1)

Madam President: I move that Engrossed House Bill 1145 be amended to read as follows:

Page 1, line 5, delete "board" and insert "**agency**".

Page 2, line 5, delete "to" and insert "**necessary to carry out the board's duties under**".

Page 2, line 6, delete "implement".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"Sec. 5. The agency shall adopt rules under IC 4-22-2 necessary to carry out the agency's duties under this chapter."

Page 4, line 33, delete "a record" and insert "**written documentation**".

Page 5, line 4, after "receiving" insert "**the**".

(Reference is to EHB 1145 as printed March 25, 2015.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1150

Senator Boots called up Engrossed House Bill 1150 for second reading. The bill was re-read a second time by title.

SENATE MOTION (Amendment 1150-3)

Madam President: I move that Engrossed House Bill 1150 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 10-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. (a) If an eligible employee retires after at least ~~twenty (20)~~ **twenty-five (25)** years of service, the employee may:

(1) retain the employee's issued service weapon; and

(2) receive a "Retired" badge in recognition of the employee's service to the department and the public.

(b) Upon an eligible employee's retirement, the department shall issue to the employee an identification card that:

(1) gives the employee's name and rank;

(2) signifies that the employee is retired; and

(3) notes the employee's authority to retain the employee's service weapon."

Page 2, delete lines 1 through 3.
 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1150 as reprinted March 17, 2015.)

BOOTS

Motion prevailed.

SENATE MOTION
 (Amendment 1150-2)

Madam President: I move that Engrossed House Bill 1150 be amended to read as follows:

Page 1, delete lines 1 through 15.
 Page 2, delete lines 1 through 3.
 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1150 as reprinted March 17, 2015.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1287

Senator Holdman called up Engrossed House Bill 1287 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 1287-2)

Madam President: I move that Engrossed House Bill 1287 be amended to read as follows:

Page 42, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 33. IC 24-7-5-11, AS AMENDED BY P.L.137-2014, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) In addition to the other charges permitted by this chapter, **for a period during which the lessor relieves the lessee of liability under a liability waiver**, a lessor and a lessee may contract for a liability waiver fee in the following amounts:

(1) In the case of a rental purchase agreement with weekly or biweekly renewal dates, the liability waiver fee may not exceed the greater of:

- (A) ten percent (10%) of ~~a~~ **the** periodic lease payment ~~due~~; **disclosed under IC 24-7-3-3(2)**; or
- (B) two dollars (\$2).

(2) In the case of a rental purchase agreement with monthly renewal dates, the liability waiver fee may not exceed the greater of:

- (A) ten percent (10%) of ~~a~~ **the** periodic lease payment ~~due~~; **disclosed under IC 24-7-3-3(2)**; or
- (B) five dollars (\$5).

(b) The selling or offering for sale of a liability damage waiver under this section is subject to the following prohibitions and requirements:

(1) A lessor may not sell or offer to sell a liability damage waiver unless all restrictions, conditions, and exclusions are:

- (A) printed in the rental purchase agreement, or in a separate agreement, in 8 point type or larger; or

(B) written in ink or typewritten in or on the face of the rental purchase agreement in a blank space provided therefor.

(2) The liability damage waiver may exclude only loss or damage to the property that is the subject of the rental purchase agreement caused by moisture, scratches, mysterious disappearance, vandalism, abandonment of the property, or any other damage intentionally caused by the lessee or that results from the lessee's willful or wanton misconduct.

(3) The liability damage waiver agreement must include a statement of the total charge for the liability damage waiver. The liability damage waiver agreement must display in 8 point boldface type the following:

"NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A LIABILITY DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE TO THE PROPERTY. BEFORE DECIDING WHETHER TO PURCHASE THE LIABILITY DAMAGE WAIVER, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN HOMEOWNERS OR CASUALTY INSURANCE AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL PROPERTY, AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS LIABILITY DAMAGE WAIVER IS NOT MANDATORY AND MAY BE DECLINED."

(4) The restrictions, conditions, and exclusions of the liability damage waiver must be disclosed on the agreement or on a separate agreement, sheet, or handout given to the lessee before entering into the rental purchase agreement. The separate contract, sheet, or handout must be signed or otherwise acknowledged by the lessee as being received before entering into the rental purchase agreement.

(5) The lessor shall keep and maintain records as prescribed by the director of the department. The director of the department may inspect the records and determine whether the rates charged under this section are fair and reasonable."

Renumber all SECTIONS consecutively.
 (Reference is to EHB 1287 as printed March 20, 2015.)

HOLDMAN

Motion prevailed.

SENATE MOTION
 (Amendment 1287-1)

Madam President: I move that Engrossed House Bill 1287 be amended to read as follows:

Page 13, delete lines 35 through 42.
 Page 14, delete lines 1 through 21.
 Page 17, delete lines 29 through 42.
 Delete pages 18 through 26.
 Page 27, delete lines 1 through 11.
 Page 27, delete lines 40 through 42.
 Page 28, delete lines 1 through 10.

Page 28, delete lines 37 through 42.
Page 29, delete lines 1 through 6.
Page 35, delete lines 13 through 28.
Renumber all SECTIONS consecutively.
(Reference is to EHB 1287 as printed March 20, 2015.)

HEAD

Upon request of Senator Head the President ordered the roll of the Senate to be called. Roll Call 352: yeas 39, nays 7. Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1300

Senator Boots called up Engrossed House Bill 1300 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1300-1)

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(d) A:

(1) state agency; or

(2) political subdivision;

may not require a person or entity to obtain or maintain, or both, a license in order to install or maintain a low voltage thermostat of fifty (50) volts or less."

(Reference is to EHB 1300 as printed March 27, 2015.)

BOOTS

Motion prevailed.

SENATE MOTION
(Amendment 1300-2)

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE UPON PASSAGE]".

Page 3, after line 7, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**".

(Reference is to EHB 1300 as printed March 27, 2015.)

BOOTS

Upon request of Senator Boots the President ordered the roll of the Senate to be called. Roll Call 353: yeas 37, nays 12. Motion prevailed. The bill was ordered engrossed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 123, 309, 361, 369, and 420 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 10, 283, and 487 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 36, and 44 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 59, 60, and 61 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed with amendments Engrossed Senate Bills 123, 309, 361, 369, and 420 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 50 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 50:

Conferees: M. Young, Chair and Broden

Advisors: Long and Lanane

LONG
Date: 3/31/15
Time: 3:11 p.m.

Report adopted.

**ENGROSSED HOUSE BILLS
ON SECOND READING**

Engrossed House Bill 1302

Senator Steele called up Engrossed House Bill 1302 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1302-1)

Madam President: I move that Engrossed House Bill 1302 be amended to read as follows:

Page 9, line 41, strike "and".

Page 10, line 3, delete "Act." and insert "Act; and

"(G) the bureau of motor vehicles, the Federal Motor Carrier Administration, and the Commercial Drivers License Information System (CDLIS), if disclosure is required to comply with IC 9-24-6-2(d) relating to reporting a conviction for a violation of a traffic control law."

Page 12, line 3, after "expunged." insert **"Nothing in this chapter prevents the bureau of motor vehicles from reporting information about a conviction for a violation of a traffic control law to the Commercial Drivers License Information System (CDLIS), in accordance with IC 9-24-6-2(d), even if the conviction has been expunged under section 4 or 5 of this chapter."**

(Reference is to EHB 1302 as printed March 13, 2015.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1305

Senator M. Young called up Engrossed House Bill 1305 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1371

Senator Steele called up Engrossed House Bill 1371 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1371-1)

Madam President: I move that Engrossed House Bill 1371 be amended to read as follows:

Page 3, line 18, delete "within".

Page 3, line 18, delete "of" and insert "after".

Page 4, line 32, after "mail," insert "with".

(Reference is to EHB 1371 as printed March 20, 2015.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1388

Senator Mishler called up Engrossed House Bill 1388 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1413

Senator Ford called up Engrossed House Bill 1413 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1413-1)

Madam President: I move that Engrossed House Bill 1413 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 6-6-6.5-10.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.6. (a) A dealer may not use inventory aircraft for any purpose other than for resale and demonstration flights unless the dealer charges the fair market rental or lease value and complies with all applicable statutes, rules, and procedures of the department.

(b) Failure to comply or failure to provide proof of compliance to the department may be cause for immediate revocation of the dealer's certificate. However, the dealer has one hundred eighty (180) days after the date of the order to sell the dealer's inventory.

(c) An aircraft used for other purposes shall no longer be considered aircraft inventory and shall be treated as property of a nondealer. The registration fee and all applicable taxes become due thirty-one (31) days after the date the improper use begins.

(d) An inventory aircraft ~~held for more than eighteen (18) months that during a year has total time in service exceeding fifty (50) hours~~ is no longer considered aircraft inventory and is treated as property of a nondealer. The registration fee and all applicable taxes are due thirty-one (31) days after the date the ~~eighteen (18) month period ends: total time in service exceeds fifty (50) hours for the year for that aircraft.~~

SECTION 2. IC 6-6-6.5-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section applies only to an aircraft that:**

(1) is held by a dealer on July 1, 2015;

(2) ceased to be considered aircraft inventory of the dealer on a date occurring before July 1, 2015, and began to be treated as property of a nondealer under section 10.6(d) of this chapter (before its amendment on July 1, 2015); and

(3) would not have been considered to be property of a nondealer if section 10.6(d) of this chapter after its amendment on July 1, 2015, had been applied.

(b) A dealer who holds an aircraft to which this section applies may elect to reclassify the aircraft as aircraft inventory in the manner prescribed by the department.

(c) If:

(1) a dealer makes an election under subsection (b) for an aircraft to which this section applies; and

(2) as of July 1, 2015, the dealer owed unpaid registration fees, state gross retail or use taxes, penalties, or interest because of the reclassification of

the aircraft under section 10.6(d) of this chapter (before its amendment on July 1, 2015); the dealer is entitled to a credit against the liability in an amount equal to the total of the unpaid registration fees, state gross retail or use taxes, penalties, and interest attributable to the reclassification of the aircraft under section 10.6(d) of this chapter (before its amendment on July 1, 2015). A dealer must claim the credit in the manner prescribed by the department. The department shall notify dealers of the availability of the credit.

(d) Subject to IC 6-8.1-9-1, a dealer who makes an election under subsection (b) for an aircraft to which this section applies is eligible to receive a refund of:

- (1) the registration fees and the state gross retail or use taxes that were paid by the dealer for the aircraft because of the reclassification of the aircraft as property of a nondealer under section 10.6(d) of this chapter (before its amendment on July 1, 2015); and
- (2) any penalties and interest that have been assessed and paid to the department by the dealer that are attributable to the registration fees or the gross retail or use taxes for which a refund is claimed by the dealer under subdivision (1).

The department shall notify dealers of the availability of the refund.

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

Renumber all SECTIONS consecutively.

(Reference is to EHB 1413 as printed March 25, 2015.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1432

Senator Yoder called up Engrossed House Bill 1432 for second reading. The bill was re-read a second time by title.

SENATE MOTION (Amendment 1432-2)

Madam President: I move that Engrossed House Bill 1432 be amended to read as follows:

Page 4, line 10, delete "satisfy the requirements set forth in IC 7.1-7-4-6." and insert "**manufacture e-liquids.**".

Page 4, line 28, delete "non-refillable" and insert "**nonrefillable**".

Page 4, line 29, after "in" insert "**electronic cigarettes.**".

Page 4, delete line 30.

Page 5, between lines 20 and 21, begin a new paragraph and insert:

"Sec. 20. "Quick response code" means a two (2) dimensional bar code that is used to provide easy access to information through a smartphone or other electronic mobile device."

Page 5, line 21, delete "20." and insert "**21.**".

Page 5, line 28, delete "21." and insert "**22.**".

Page 5, line 36, delete "22." and insert "**23.**".

Page 6, line 6, delete "to cover the costs of administering" and insert "**as set forth in**".

Page 6, delete lines 25 through 26, begin a new paragraph and insert:

"Sec. 3. (a) Not later than December 31, 2015, the commission shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this article.

(b) The commission shall adopt rules as described in subsection (a) to establish minimum eligibility requirements for testing e-liquids under this article."

Page 8, line 11, delete "if" and insert "**after**".

Page 8, line 19, delete "commission." and insert "**commission for purposes of administering this article.**".

Page 8, line 28, after "(3) The" insert "**annual**".

Page 8, line 28, delete "per year".

Page 8, line 29, delete "facility." and insert "**facility for the five (5) years preceding the year of the application.**".

Page 9, line 16, delete "commission." and insert "**commission for purposes of administering this article.**".

Page 9, line 36, delete "cap." and insert "**cap that has the child resistant effectiveness set forth in 16 CFR 1700.15(b)(1).**".

Page 10, delete lines 1 through 2, begin a new line block indented and insert:

"(5) The label or container must include a:

(A) batch number; and

(B) means for the commission to obtain the manufacturing date."

Page 10, line 3, delete "encryption".

Page 10, line 3, after "code" insert "**, including a quick response code,**".

Page 10, line 30, after "batch" insert "**of more than two (2) liters**".

Page 11, line 4, delete "chapter." and insert "**article.**".

Page 11, line 5, delete "anyone having a financial interest" and insert "**any person listed on the permit application**".

Page 11, line 6, delete "in a manufacturer".

Page 11, line 14, after "check." insert "**The applicant is responsible for the cost of a state or national criminal history background check conducted under this article.**".

Page 12, line 8, delete "2015;" and insert "**2015, that was not manufactured, mixed, bottled, packaged, stored, or sold in compliance with this article;**".

Page 12, line 11, delete "IC 7.1-3-18.5-1;" and insert "**IC 7.1-3-18.5-1 that contains a separate box to check for identifying a retailer that sells e-liquids;**".

Page 12, line 24, delete "suspended, or in" and insert "**suspended. In**".

Page 12, line 26, delete "revoked" and insert "**suspended**".

Page 12, line 27, delete "revocation" and insert "**suspension**".

(Reference is to EHB 1432 as printed March 20, 2015.)

YODER

Motion prevailed. The bill was ordered engrossed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Senator Schneider has been excused from voting on all Senate matters on the Senate Calendar subsequent to House Bills on second reading on March 31, 2015.

LONG

Report adopted.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1101

Senator Houchin called up Engrossed House Bill 1101 for third reading:

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

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

Roll Call 354: yeas 48, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed Senate Bill 1192

Senator Holdman called up Engrossed Senate Bill 1192 for third reading:

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

Senator Holdman withdrew the call on Engrossed House Bill 1192.

Engrossed House Bill 1281

Senator Charbonneau called up Engrossed House Bill 1281 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 355: yeas 48, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1282

Senator Leising called up Engrossed House Bill 1282 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 356: yeas 48, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1452

Senator Glick called up Engrossed House Bill 1452 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 357: yeas 48, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1531

Senator Steele called up Engrossed House Bill 1531 for third reading:

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

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

Roll Call 358: yeas 48, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1545

Senator Glick called up Engrossed House Bill 1545 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 359: yeas 42, nays 6. 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1613

Senator Patricia Miller called up Engrossed House Bill 1613 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 360: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that House Bill 1192, which is eligible for third reading, be returned to second reading for purposes of amendment.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second sponsor of House Bill 1300.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 94.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as third sponsor of House Bill 1045.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, A. Banks, Bassler, Becker, Boots, Bray, Breaux, Broden, Brown, Buck, Charbonneau, Crider, Delph, Eckerty, Ford, Glick, Grooms, Head, Hershman, Holdman, Houchin, Kenley, Kruse, Lanane, Leising, Long, Merritt, Patricia Miller, Pete Miller, Mishler, Mrvan, Niemeyer, Perfect, Raatz, Randolph, Rogers, Schneider, Smith, Steele, Stoops, Tallian, Taylor, Tomes, Walker, Waltz, Yoder, M. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 30.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1637.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1281.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1398.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1145.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1413.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1531.

STEELE

Motion prevailed.

**MOTIONS TO CONCUR
IN HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 94.

CRIDER

Roll Call 361: yeas 47, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 173.

M. YOUNG

Roll Call 362: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 175.

M. YOUNG

Roll Call 363: yeas 48, nays 1. Motion prevailed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: I hereby report that, on January 26, 2015 the Senate Committee on Ethics recommended that Senator Delph be excused from voting on Senate Bill 460.

LONG

Report Adopted.

**MOTIONS TO CONCUR
IN HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 460.

PATRICIA MILLER

Roll Call 364: yeas 36, nays 12. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 489.

M. YOUNG

Roll Call 365: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 534.

GROOMS

Roll Call 366: yeas 48, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 94.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, April 2, 2015.

LONG

Motion prevailed.

The Senate adjourned at 4:30 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate