



# Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Twentieth Meeting Day

Monday Afternoon

February 16, 2015

The Senate convened at 2:00 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Dr. Randall Morris, Pastor of Shadeland Avenue Baptist Church, Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator Michael R. Crider.

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
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 151: present 50; excused 0. [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.

## 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 55.

LONG

Report Adopted.

## REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on, February 12, 2015, the Senate Committee on Ethics recommended that Senator Head be excused henceforth from action on Senate Bill 309.

LONG

Report Adopted.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure reports that, pursuant to Senate Rule 35(c), the following technical corrections are to be made to Engrossed Senate Bill 1.

Page 4, line 13, after "superintendent" insert ";".

(Reference is to ESB 1 as reprinted February 13, 2015.)

LONG, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred Senate Bill 72, 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 the title and insert the following:

A BILL FOR AN ACT concerning motor vehicles.

Delete everything after the enacting clause and insert the following:

**SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "interim" has the meaning set forth in IC 2-5-1.3-1.**

**(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

**(c) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.**

**(d) The general assembly urges the legislative council to assign to the appropriate study committee for the 2015 interim the task of studying the sale by a motor vehicle manufacturer of new motor vehicles directly to consumers other than through an independent franchised new motor vehicle dealer that has a physical place of business capable of performing complete warranty service on motor vehicles produced by the manufacturer.**

**(e) If the topic set forth in subsection (d) is assigned to a study committee, the study committee shall issue to the legislative council a final report containing the study**

**committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.**

**(f) This SECTION expires December 31, 2015.**

**SECTION 2. An emergency is declared for this act.**

(Reference is to SB 72 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 128, 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 13-18-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section applies only to the following:**

**(1) in A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).**

**(2) A county in which a regional sewage district was formed under IC 13-26 in response to an agreed order entered into after August 31, 2005, by the department and the executive and fiscal bodies of the county, if the executive of the county elects under section 10 of this chapter to transform the regional sewage district into an onsite waste management district subject to IC 36-11.**

(b) Except as provided in subsection (c), the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(c) The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters is permitted if:

(1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (d); and

(2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(d) In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards and if:

(1) the local health department adopts procedural rules for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or

both, for noncompliance, to ensure that:

(A) required maintenance is performed on the systems; and

(B) the systems do not discharge effluent that violates water quality standards;

(2) the local health department certifies, with respect to the system for which the permit is issued, that:

(A) the system is capable of operating properly;

(B) the system does not discharge effluent that violates water quality standards;

(C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of:

(i) soil characteristics;

(ii) size; or

(iii) topographical conditions;

of the property;

(D) the system:

(i) was properly installed by a qualified installer; and

(ii) provides the best available technology for residential discharging onsite sewage disposal systems; and

(E) the local health department has:

(i) investigated all technologies available for repair of the sewage disposal system that fails to meet public health and environmental standards other than the use of an onsite residential sewage discharging disposal system; and

(ii) determined that an onsite residential sewage discharging disposal system is the only possible technology that can be used to effect a repair of the sewage disposal system that fails to meet public health and environmental standards without causing unreasonable economic hardship to the system owner; and

(3) the system for which the permit is issued cannot be connected to a sanitary sewer because:

(A) there is not a sanitary sewer connection available;

(B) the sanitary sewer operator refuses connection; or

(C) unreasonable economic hardship would result to the system owner because of:

(i) the connection requirements of the sanitary sewer operator; or

(ii) the distance to the sanitary sewer.

**SECTION 2. IC 13-18-12-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) In a county described in section 9(a)(2) of this chapter, the executive of the county may, by adopting an ordinance, elect to transform the regional sewage district established in the county into a county onsite waste management district subject to IC 36-11.**

**(b) If an ordinance is adopted under subsection (a), the ordinance must do the following:**

**(1) Provide that, as of a certain date, the regional sewage district ceases to exist as a regional sewage district and becomes instead a county onsite waste management district subject to IC 36-11.**

**(2) Provide for the orderly winding up of the affairs of the regional sewage district, including:**

**(A) the assumption by the onsite waste management district of the obligations, if any, of the regional sewage district; and**

**(B) the transfer to the onsite waste management district of any assets of the regional sewage district.**

**(3) Meet the other requirements set forth in IC 36-11-3-13 for an ordinance establishing a county onsite waste management district.**

**(c) If making the election described in subsection (a), the executive of the county, before the date provided in the ordinance under subsection (b)(1), must file a notice of intent to establish the county onsite waste management district. The notice of intent must include the contents required under IC 36-11-3-2, including an accurate description of the territory to be included in the county onsite waste management district. The territory to be included in the county onsite waste management district:**

**(1) must conform to IC 36-11-3; and**

**(2) may be less than the entire area of the county.**

**(d) If the requirements of subsections (b) and (c) have been met, on the date provided in the ordinance under subsection (b)(1) the board of the regional sewage district is dissolved and the executive of the county becomes the governing body of the county onsite waste management district under IC 36-11-1-3.**

**(e) A county onsite waste management district that is formed under this section:**

**(1) has all the powers of; and**

**(2) is subject to same requirements and restrictions as; a county onsite waste management district not established under this section, except that IC 36-11-3-6 through IC 36-11-3-10 (concerning the appointment of a hearing officer, a public hearing, and findings and recommendations as to whether the county onsite waste management district should be established) do not apply to the formation of a county onsite waste management district under this section.**

**(f) A county onsite waste management district that is formed under this section shall adopt a district plan for the operation of the district under IC 36-11-6-1 not more than one (1) year after the date referred to in subsection (b)(1).**

SECTION 3. IC 13-26-5-2.6, AS ADDED BY P.L.97-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.6. A district may not require the owner of a property described in section 2(8) of this chapter to connect to the district's sewer system if:

(1) the property is located on:

**(A) at least ten (10) acres, in the case of a county not described in clause (B); or**

**(B) at least one-half (1/2) acre, in the case of a county in which a regional sewage district was formed under this article in response to an agreed order entered into after August 31, 2005, by the department and the executive and fiscal bodies of the county;**

(2) the owner can demonstrate the availability of at least two (2) areas on the property for the collection and

treatment of sewage that will protect human health and the environment;

(3) the waste stream from the property is limited to domestic sewage from a residence or business;

(4) the system used to collect and treat the domestic sewage has a maximum design flow of seven hundred fifty (750) gallons per day; and

(5) the owner, at the owner's expense, obtains and provides to the district a certification from the local health department or the department's designee that the system is functioning satisfactorily.

SECTION 4. IC 36-11-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. **(a)** A district may do the following:

(1) Make contracts for the services necessary for the operations of the district, including management of the district by any public or private entity.

(2) Adopt, amend, and repeal bylaws for the administration of the district's affairs.

(3) Fix, alter, charge, and collect reasonable rates and other charges, to be imposed by the governing body, in the area served by the district with respect to every person whose premises are, whether directly or indirectly, served by the district, for the following purposes:

(A) To fulfill the terms of contracts made by the district.

(B) To pay the other expenses of the district.

(4) Refuse the services of the district if the rates and other charges are not paid by the user.

(5) Control and supervise all licenses, money, contracts, accounts, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.

(6) Make provision for, contract for, or sell the district's byproducts or waste.

(7) Adopt and enforce rules:

(A) to establish procedures for the governing body's actions; or

(B) for any other lawful subject necessary to the operation of the district and the exercise of the power granted.

**(b) If a district is formed under IC 13-18-12-10, the district has as its primary purpose the resolution of the environmental problems described in the agreed order entered into after August 31, 2005, by the department of environmental management and the executive and fiscal bodies of the county. In fulfilling this purpose, the district shall explore every potentially effective and economically feasible solution to the environmental problems, including the following:**

**(1) Assisting the owners of residential waste treatment systems in upgrading their systems to the extent necessary to resolve the environmental problems, as by:**

**(A) retrofitting systems with dual chamber septic tanks and effluent filters; and**

**(B) employing secondary treatment of effluent, as by sand filters or recirculating media filters, before the effluent reaches a system's soil absorption field.**

**(2) Considering alternatives to conventional wastewater treatment plants, such as:**

- (A) small community wastewater cluster systems, as described in the Purdue University Cooperative Extension Service publication ID-265, "Small Community Wastewater Cluster Systems";
- (B) package plants (small, premanufactured wastewater treatment facilities that can be used to treat wastewater in small communities); and
- (C) constructed wetlands.

(c) Notwithstanding any other provision of this article, if a district is formed under IC 13-18-12-10, the governing body of the district may, as the county executive of the county, exercise its powers under this title to provide for sewage originating within the district to be collected and transported to a municipality for treatment and disposal in a municipal wastewater treatment facility if the governing body considers this an effective and economically feasible solution to the environmental problems described in the agreed order referred to in subsection (b).

(Reference is to SB 128 as introduced.)

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 Elections, to which was referred Senate Bill 201, 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 the title and insert the following:

A BILL FOR AN ACT concerning elections.

Delete everything after the enacting clause and insert the following:

**SECTION 1. [EFFECTIVE JULY 1, 2015] (a) The general assembly urges the legislative council to assign to the appropriate study committee for study during the 2015 legislative interim the topic of straight ticket voting.**

**(b) This SECTION expires January 1, 2016.**

(Reference is to SB 201 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

WALKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred Senate Bill 296, 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 12, delete "means of" and insert "**two (2) forms of government issued identification, including**".

Page 2, between lines 12 and 13, begin a new line block indented and insert the following:

**"(3) Take a photograph of each adult entertainer who auditions to provide adult entertainment at the licensed premises at the time of the audition and retain the photograph for at least three (3) years after:**

**(A) the date of the audition; or**

**(B) the last day on which the performer provides adult entertainment at the licensed premises; whichever is later. A photograph taken under this subdivision must show the adult entertainer's facial features.**

**(4) Require all performers and other employees of the retail permit holder to sign a document approved by the commission to acknowledge their awareness of the problem of human trafficking.**

**(5) Display human trafficking awareness posters in at least two (2) of the following locations on the licensed premises:**

**(A) The office of the manager of the licensed premises.**

**(B) The locker room used by performers or other employees.**

**(C) The break room used by performers or other employees.**

**Posters displayed under this subdivision must describe human trafficking, state indicators of human trafficking (such as restricted freedom of movement and signs of physical abuse), set forth hotline telephone numbers for law enforcement, and be approved by the commission.**

**(6) Cooperate with any law enforcement investigation concerning allegations of a violation of this section."**

Page 2, after line 15, begin a new paragraph and insert:

**"(e) In determining whether to revoke, suspend, or refuse to renew the permit issued for a licensed premises under subsection (d), the commission may consider:**

**(1) the extent to which the permit holder has cooperated with any law enforcement investigation as required by subsection (c)(6); and**

**(2) whether the permit holder has provided training to performers who provide adult entertainment at the permit holder's licensed premises and other employees of the licensed premises through a program that:**

**(A) is designed to increase the awareness of human trafficking and assist victims of human trafficking; and**

**(B) has been approved by:**

**(i) a department of the United States government; or**

**(ii) a nationwide association made up of operators who run adult entertainment establishments."**

(Reference is to SB 296 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BUCK, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 312, 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 13-11-2-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 0.6. "Above ground storage tank", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-1.**

SECTION 2. IC 13-11-2-48.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 48.3. "Critical zone of concern", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-2.**

SECTION 3. IC 13-11-2-57.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 57.7. "Disruption", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-3.**

SECTION 4. IC 13-11-2-96, AS AMENDED BY P.L.113-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 96. (a) "Hazardous material", for purposes of IC 13-18-5, means any of the following:

- (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as in effect on January 1, 1990).
- (2) A hazardous waste.
- (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as in effect on January 1, 1990).
- (4) A substance that is on the list of extremely hazardous substances published by the Administrator of the United States Environmental Protection Agency under 42 U.S.C. 11002(a)(2).
- (5) A material that is identified by the board as potentially harmful to surface water or groundwater if accidentally released from a storage or handling facility.

**(b) "Hazardous material", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-4.**

~~(b)~~ **(c) "Hazardous material", for purposes of IC 13-25-6, means a material or waste that has been determined to be hazardous or potentially hazardous to human health, to property, or to the environment by:**

- (1) the United States:
  - (A) Environmental Protection Agency;
  - (B) Nuclear Regulatory Commission;
  - (C) Department of Transportation; or
  - (D) Occupational Safety and Health Administration; or
- (2) the board.

The term includes all of the hazardous materials identified in 49 CFR 172.101.

SECTION 5. IC 13-11-2-119.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 119.5.**

**"Liquid", for purposes of IC 13-18-5.5, has the meaning set forth in IC 13-18-5.5-5.**

SECTION 6. IC 13-11-2-177.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 177.3. "Public water system", for purposes of this chapter, **IC 13-18-5.5, IC 13-18-11, IC 13-18-16, IC 13-18-20.5, IC 13-18-21,** and other environmental management laws, has the meaning set forth in 42 U.S.C. 300f.

SECTION 7. IC 13-11-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 184. (a) "Release", for purposes of IC 13-23, means any:

- (1) spilling;
- (2) leaking;
- (3) emitting;
- (4) discharging;
- (5) escaping;
- (6) leaching; or
- (7) disposing;

from an underground storage tank into ground water, surface water, subsurface soils, or surface soils.

(b) "Release", for purposes of IC 13-24-1, means:

- (1) a spill;
- (2) a leak;
- (3) an emission;
- (4) a discharge;
- (5) an escape;
- (6) a leaching; or
- (7) a disposing;

of petroleum into ground water, surface water, subsurface soils, or surface soils. The term does not include the release of petroleum into land used by a scrap metal processor (as defined in IC 9-13-2-162) or farmer, unless the commissioner determines that the release of the petroleum is adverse to human health.

(c) "Release", for purposes of **IC 13-18-5.5** and IC 13-25-2, means any:

- (1) spilling;
- (2) leaking;
- (3) pumping;
- (4) pouring;
- (5) emitting;
- (6) emptying;
- (7) discharging;
- (8) injecting;
- (9) escaping;
- (10) leaching;
- (11) dumping; or
- (12) disposing;

into the environment of any **hazardous material**, hazardous chemical, extremely hazardous substance, or toxic chemical. The term includes the abandonment or discarding of barrels, containers, and other closed receptacles.

(d) "Release", for purposes of IC 13-25-4, means any:

- (1) spilling;
- (2) leaking;
- (3) pumping;
- (4) pouring;
- (5) emitting;

- (6) emptying;
- (7) discharging;
- (8) injecting;
- (9) escaping;
- (10) leaching;
- (11) dumping; or
- (12) disposing;

into the environment. The term includes the abandonment or discarding of barrels, containers, or other closed receptacles containing any hazardous substance.

(e) "Release", for purposes of IC 13-25-5, means any:

- (1) spilling;
- (2) leaking;
- (3) pumping;
- (4) pouring;
- (5) emitting;
- (6) emptying;
- (7) discharging;
- (8) injecting;
- (9) escaping;
- (10) leaching;
- (11) dumping; or
- (12) disposing;

into the environment. The term includes the abandonment or discarding of barrels, containers, or other closed receptacles containing any hazardous substance or petroleum.

SECTION 8. IC 13-11-2-192 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 192. (a) **"Responsible person", for purposes of IC 13-18-16-7.5, has the meaning set forth in IC 13-18-16-7.5(a).**

(a) (b) "Responsible person", for purposes of IC 13-24-1, means a person who has caused a release at a petroleum facility.

(b) (c) "Responsible person", for purposes of IC 13-25-4, means a person that is:

- (1) liable to:
  - (A) the United States government;
  - (B) the state; or
  - (C) any other person;

under Section 107 of CERCLA (42 U.S.C. 9607); or

- (2) liable to the state under IC 13-25-4-8.

SECTION 9. IC 13-18-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 5.5. Reporting of Above Ground Storage Tanks**

**Sec. 1.** As used in this chapter, "above ground storage tank" or "AST" means a device:

- (1) at least ten percent (10%) of the outer surface of which is exposed above the ground;
- (2) that is not subject to IC 13-23 or other laws, rules, or regulations concerning underground storage tanks (as defined in IC 13-11-2-241); and
- (3) that is designed to contain more than six hundred sixty (660) gallons of a matter that is a liquid at the usual temperature and pressure of the area in which the AST is located.

**Sec. 2.** (a) As used in this chapter, "critical zone of concern" means an area in which a hazardous material could:

(1) travel to a water intake of a public water system that uses surface water as a source of drinking water; and

(2) cause a disruption.

(b) The term includes the following:

(1) In the case of a flowing stream on which an intake of a public water system is located, the area:

(A) within one-quarter (1/4) mile of each bank of the stream and of every tributary of the stream from the location of the intake on the main stream to the point

on the main stream and on each tributary twenty-five (25) miles upstream of the intake; and

(B) within one-quarter (1/4) mile of each bank of the main stream from the intake to fifty (50) feet downstream of the intake.

(2) In the case of a reservoir or lake other than Lake Michigan on which an intake of a public water system is located, the area:

(A) within one-quarter (1/4) mile of each bank of the reservoir or lake; and

(B) within one-quarter (1/4) mile of each bank of every stream or tributary flowing into the lake or reservoir from the point where the stream or tributary flows into the lake or reservoir to the point twenty-five (25) miles upstream of where the stream or tributary flows into the lake or reservoir.

(3) In the case of a stream or tributary flowing into Lake Michigan, the area that is:

(A) within one-quarter (1/4) mile of each bank of the stream or tributary; and

(B) within five (5) miles of an intake of a public water system.

**Sec. 3.** As used in this chapter, "disruption" means an interruption in the ability of a public water system to provide safe drinking water at a rate adequate to meet the demand on the public water system for a period exceeding twenty-four (24) hours.

**Sec. 4.** As used in this chapter, "hazardous material" means:

(1) a hazardous material (as defined in IC 13-11-2-96(a)); or

(2) a mixture that:

(A) contains a hazardous material (as defined in IC 13-11-2-96(a));

or

(B) is capable of causing a disruption if released from an above ground storage tank in a critical zone of concern.

**Sec. 5.** As used in this chapter, "liquid" means matter that:

(1) is in a nongaseous state; and

(2) will, at:

(A) sixty (60) degrees Fahrenheit; and

(B) ambient atmospheric pressure;

take the shape of the interior of a container immediately upon being placed in the container.

**Sec. 6.** As used in this chapter, "public water system" has the meaning set forth in IC 13-11-2-177.3.

Sec. 7. As used in this chapter, "release" has the meaning set forth in IC 13-11-2-184(c).

Sec. 8. (a) Except as provided in subsection (c) and sections 9(b)(3) and 10 of this chapter, the owner or operator of an above ground storage tank shall report to the department the following information concerning the AST:

- (1) The location of the AST.
- (2) The classification of the materials stored in the AST.
- (3) The capacity of the AST.

The owner or operator shall submit the report before January 1, 2016.

(b) After submitting a report under subsection (a), the owner or operator of an above ground storage tank shall submit to the department a supplemental report concerning the AST whenever:

- (A) the location of the AST;
  - (B) the classification of the materials stored in the AST;
- or
- (C) the capacity of the AST;

is changed, so that the information concerning the AST in the possession of the department will remain accurate.

(c) If the owner or operator of an above ground storage tank has reported the existence of the AST to the department or another agency of the state pursuant to another statute or administrative rule, the owner or operator is not required to report to the department concerning the AST under this chapter.

(d) The owner or operator of an above ground storage tank who is required to report under this chapter shall report to the department concerning the AST:

- (1) according to the rules adopted by the board under section 9 of this chapter; and
- (2) either:
  - (A) on a form adopted by the board or the department; or
  - (B) through an electronic mail or Internet-based means established by the board or the department; according to the rules adopted under section 9 of this chapter.

Sec. 9. (a) The board shall adopt rules under IC 13-14-9 and IC 4-22-2 concerning the reporting required under this chapter.

(b) The rules adopted by the board under this section must do the following:

- (1) Establish at least three (3) different classifications of above ground storage tanks for the purposes of this chapter, according to the relative danger of a disruption from an AST release, based on:
  - (A) the liquid stored in the AST;
  - (B) the capacity and location of the AST; and
  - (C) the proximity of the AST to the water intake of a public water system.
- (2) Require reports to the department under this chapter concerning all ASTs that:
  - (A) are used to store hazardous materials; or
  - (B) are located in a critical zone of concern.
- (3) Establish certain conditions under which an AST shall be recognized as exempt from the reporting

requirements of this chapter because the AST does not pose a threat to cause a disruption from a release of the contents of the AST.

(c) The rules adopted under this section must:

- (1) provide for the filing of a supplemental report concerning an AST when a change as described in section 8(b) of this chapter occurs so that the information in the possession of the department concerning the AST will remain accurate; and
- (2) specify the means by which the owner or operator of an AST will comply with the reporting requirements of this chapter, as described in section 8(d)(2) of this chapter.

Sec. 10. The following are exempt from the reporting requirements of this chapter:

- (1) An AST used to contain only drinking water, surface water, raw groundwater, demineralized water, noncontact or circulating cooling water, or water stored for fire or emergency purposes.
- (2) An AST located on a farm, the contents of which:
  - (A) are:
    - (i) used by the tank owner or operator for farming purposes; and
    - (ii) not commercially distributed; or
  - (B) are produced as an agricultural commodity.
- (3) An AST:
  - (A) that is located on a farm or residential property;
  - (B) the capacity of which is not more than two thousand five hundred (2,500) gallons; and
  - (C) that is used for storing motor fuel for noncommercial purposes.
- (4) An AST:
  - (A) the capacity of which is not more than one thousand one hundred (1,100) gallons; and
  - (B) that is used for storing heating oil for consumption on the premises on which the AST is located.
- (5) An AST that is used for storing heating oil, natural gas, or propane and that is regulated under NFPA 58-30A or NFPA 58-30B of the Liquefied Petroleum Gas Code of the National Fire Protection Association through 49 CFR 192.11(b).
- (6) An AST that is part of a stormwater or wastewater collection and treatment system.
- (7) An AST located on a site regulated under IC 14-34.
- (8) Machinery and equipment containing integral operating fluids that are necessary for the proper operation of the machinery or equipment, including, but not limited to, hydraulic reservoirs, lubricating oil reservoirs, electrical equipment, heating and cooling equipment, and fuel tanks for emergency generators and fire pumps.
- (9) An AST that is:
  - (A) located inside a building; and
  - (B) resting on or elevated above an impermeable floor surface;
 a release from which would be entirely contained in a secondary containment structure or would, through

other means, be prevented from escaping.

(10) A mobile tank, rail car, or truck:

(A) that is regulated by the United States Department of Transportation; or

(B) the capacity of which is not more than five thousand (5,000) gallons;

and that is located on a particular site for less than one hundred eighty (180) consecutive calendar days.

(11) A surface impoundment, pit, pond, or lagoon.

(12) An AST:

(A) that is otherwise regulated through individual, site-specific permits issued under the National Pollutant Discharge Elimination System or another regulatory program; or

(B) for which appropriate containment and diversionary structures or equipment to prevent unregulated discharge of materials from reaching the waters of Indiana are in place in compliance with law or administrative rules.

(13) An oil-filled tank that is regulated under section 1321 of the federal Water Pollution Control Act (section 311 of the federal Clean Water Act, 33 U.S.C. 1321) and the regulations adopted thereunder, 40 CFR 112, et seq.

(14) Any flow-through process tank, including, but not limited to, a pressure vessel and oil and water separators.

(15) A pipeline facility, including gathering lines, that:

(A) is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.);

(B) is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.); or

(C) is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (A) and (B).

(16) Electrical equipment such as transformers, circuit breakers, and voltage regulators.

(17) Process tanks:

(A) in which liquids are altered through biological, chemical, or physical means; or

(B) that are used strictly to regulate liquid volumes in a process operation.

(18) An AST containing agricultural pesticides or fertilizers regulated by the state chemist under 355 IAC.

(19) An emergency spill or overflow containment tank that is expeditiously emptied after each use.

(20) A tank that contains a de minimis concentration or regulated substances.

(21) Tanks that are used for the storage of products that are regulated under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.

(22) Any other tank exempted by a rule adopted by the board under section 9(b)(3) of this chapter.

Sec. 11. Information about above ground storage tanks that is reported to the department under this chapter is declared confidential under IC 5-14-3-4(a)(1) for purposes of public disclosure, but it may be disclosed to a responsible

person developing or updating a surface water quality threat minimization and response plan for a public water system under IC 13-18-16-7.5.

SECTION 10. IC 13-18-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) All public water systems shall be continuously operated and maintained so that water is:

(1) safe in quality;

(2) clean and adequate in quantity; and

(3) chemically satisfactory for ordinary domestic consumption.

(b) The person responsible for the operation of a public water system shall take all measures that are necessary to carry out the requirements of subsection (a) so as to protect the quality and quantity of the raw water supply from actual or threatened contamination. These measures include the relocation of the point of raw water collection to a site that is not contaminated or threatened by contamination.

(c) The person responsible for the operation of a public water system that uses surface water as a source of drinking water shall implement the surface water threat minimization and response plan developed and maintained under section 7.5 of this chapter immediately upon discovering:

(1) the contamination; or

(2) a threat of contamination;

of the surface water used by the public water system as a source of drinking water.

(~~e~~) (d) The failure to carry out a duty set forth in subsection (a) or (b) constitutes a violation subject to the penalties imposed under this chapter. Each day a violation occurs under this section constitutes a separate violation.

SECTION 11. IC 13-18-16-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.5. (a) For purposes of this section, "responsible person" means the person responsible for the operation of a public water system that uses surface water as a source of drinking water.

(b) A responsible person shall do the following:

(1) Develop, maintain, and update a surface water quality threat minimization and response plan for the public water system for which the person is responsible. A plan developed under this subdivision must include the following:

(A) An identification of critical drinking water intake facilities, including specific locations of wells, intake structures, and critical drinking water distribution infrastructure.

(B) An identification of potential threats to raw water quality.

(C) An assessment of the risks posed by potential threats identified in clause (B).

(D) A communication, education, and risk minimization plan.

(E) An incident response plan.

A plan described in this subdivision, as well as its component parts, is confidential under IC 5-14-3-4.

(2) Designate and maintain a single point of contact for purposes of planning and response under this section.



**(3) With respect to a plan described in subdivision (1):**  
**(A) Submit the plan to the department when the plan is developed.**

**(B) Submit an updated plan to the department every five (5) years thereafter.**

SECTION 12. IC 13-18-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-9 establishing requirements for the issuance of permits to control public water systems, including the following:

(1) **The requirement to obtain a permits permit** for the construction, installation, or modification of facilities, equipment, or devices for any public water system.

(2) **The requirement to obtain a permits permit** for the operation of sources, facilities, equipment, or devices for any public water system.

**(3) Requirements for the development of surface water quality threat minimization and response plans under section 7.5 of this chapter.**

(b) The board shall adopt a permit by rule for water main extensions (as defined in 327 IAC 8-3-1) to satisfy the permit requirement in section 1(a) of this chapter.

SECTION 13. IC 36-7-29-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. As used in this chapter, "responsible person" has the meaning set forth in ~~IC 13-11-2-192(b)~~; **IC 13-11-2-192(c)**.

SECTION 14. IC 36-8-12-13, AS AMENDED BY P.L.208-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) Except as provided in subsection (b), the volunteer fire department that responds first to an incident may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in IC 13-11-2-191(e)) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in ~~IC 13-11-2-96(b)~~); **IC 13-11-2-96(c)**:

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

A second or subsequently responding volunteer fire department may not impose a charge on an owner or responsible party under this section, although it may be entitled to reimbursement from the first responding volunteer fire department in accordance with an interlocal or other agreement.

(b) A volunteer fire department that is funded, in whole or in part:

(1) by taxes imposed by a unit; or

(2) by a contract with a unit;

may not impose a charge under subsection (a) on a natural person who resides or pays property taxes within the boundaries of the unit described in subdivision (1) or (2), unless the spill or the chemical or hazardous material fire poses an imminent threat to persons or property.

(c) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under section 16 of this chapter. A copy of the fire incident report to the state fire

marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in the township firefighting fund established in IC 36-8-13-4;

(2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(d) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(e) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(f) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(g) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a) and may, if it prevails, recover all costs of the action, including reasonable attorney's fees.

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "above ground storage tank" or "AST" means a device:**

**(1) at least ten percent (10%) of the outer surface of which is exposed above the ground;**

**(2) that is not subject to IC 13-23 or other laws, rules, or regulations concerning underground storage tanks (as defined in IC 13-11-2-241); and**

**(3) that is designed to contain more than six hundred sixty (660) gallons of a matter that is a liquid at the usual temperature and pressure of the area in which the AST is located.**

**(b) The department of environmental management established by IC 13-13-1-1 shall do the following before November 1, 2015:**

**(1) Compile a list of all requirements for the reporting of information about above ground storage tanks that exist under federal law, federal regulations, Indiana law, and Indiana administrative rules.**

**(2) Obtain:**

**(A) copies of all publicly available forms for the reporting of information about above ground storage tanks in compliance with the requirements described in subdivision (1); or**

**(B) a representative sample of the forms described in clause (A).**

**(3) Submit a report containing the list of requirements and the copies of forms to the legislative council in an electronic format under IC 5-14-6.**

**(c) The report submitted under subsection (b)(3) must include an analysis of the existing requirements for the**

reporting of information about above ground storage tanks described in subsection (b)(1) that identifies:

- (1) instances in which reporting requirements might be considered insufficient; and
- (2) instances in which the reporting of information is already adequate.

(d) This SECTION expires January 1, 2016.

SECTION 16. An emergency is declared for this act.

(Reference is to SB 312 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

CHARBONNEAU, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred Senate Bill 322, 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 lines 1 through 16.

Page 2, delete line 1.

Page 2, delete lines 31 through 33.

Page 2, line 34, delete "2." and insert "1."

Page 2, line 34, delete "area" and insert "**underserved geographic area where affordable fresh and healthy foods are difficult to obtain, as determined by the state department.**".

Page 2, delete lines 35 through 37.

Page 2, line 38, delete "3." and insert "2."

Page 2, line 40, delete "4." and insert "3."

Page 2, line 41, delete "division" and insert "**state department**".

Page 2, line 42, after "new" insert "**retail**".

Page 3, line 1, after "existing" insert "**retail**".

Page 3, line 2, after "desert." insert "**The grants may be used to construct new retail grocery stores or renovate, expand, or upgrade an existing retail business that increases the availability and quality of fresh produce and other healthy foods.**".

Page 3, line 3, delete "division" and insert "**state department**".

Page 3, line 4, after "chapter." insert "**The state department shall consider the following criteria when determining whether to award a grant:**

- (1) The level of need in the area to be served.
- (2) The degree to which the project requires a grant to proceed, create an impact, or be competitive in the area to be served.
- (3) The degree to which the project will have a positive impact on the underserved community, including creating or retaining jobs for local residents.
- (4) The degree to which the project will participate in state and local health department initiatives to educate consumers on nutrition and promote healthier eating.
- (5) Other criteria consistent with this chapter that are determined by the state department.

(c)".

Page 3, line 5, delete "division," and insert "**state department**".

Page 3, line 5, delete "allowing" and insert "**the following:**

**(1) Allowing**".

Page 3, line 6, delete "division" and insert "**state department**".

Page 3, line 6, delete "and" and insert ".".

Page 3, line 7, delete "agreeing", begin a new line block indented and insert:

**"(2) Agreeing**".

Page 3, line 7, delete "division" and insert "**state department**".

Page 3, between lines 8 and 9, begin a new line block indented and insert:

**"(3) Complying with data collection and reporting requirements established by the state department.**

**Sec. 4. The state department may work with public agencies, nonprofit organizations, and community organizations to implement this chapter.**

**Sec. 5. The state department may consider awarding a grant to support a project under this chapter that will leverage private sector dollars, federal resources, or local resources.**".

Page 3, line 9, delete "5." and insert "6."

Page 3, line 11, delete "4" and insert "3".

Page 3, line 23, delete "6." and insert "7."

Page 3, line 23, delete "division" and insert "**state department**".

Re-number all SECTIONS consecutively.

(Reference is to SB 322 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 3.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 350, 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 7, delete "." and insert ",".

Page 2, line 8, delete "(b) Three members of the governing body shall be".

Page 2, run in lines 7 through 8.

Page 2, delete lines 14 through 17.

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

Page 2, line 18, delete "(both" and insert ":".

Page 2, delete line 19.

Page 2, line 23, delete "(f)" and insert "(c)".

Page 2, delete lines 36 through 42.

Page 3, delete line 1.

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

Page 3, line 2, delete "2023." and insert "2017."

Page 4, line 11, strike "Three (3)" and insert "**Five (5)**".  
 Page 4, line 11, strike "three (3)" and insert "**five (5)**".  
 Page 4, line 22, strike "three (3)".  
 Page 4, line 22, after "at-large" insert "**five (5)**".  
 Page 4, line 36, delete "elected".  
 Page 4, delete lines 39 through 42.  
 Delete page 5.  
 Renumber all SECTIONS consecutively.  
 (Reference is to SB 350 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: Yeas 9, Nays 0.

WALKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 390, 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.  
 Committee Vote: Yeas 6, Nays 1.

CHARBONNEAU, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred Senate Bill 463, 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 the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-18.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person may not sell or otherwise distribute in exchange for consideration a tobacco product **or electronic cigarette** at retail without a valid tobacco sales certificate issued by the commission.

(b) A certificate may be issued only to a person who owns or operates at least one (1) of the following:

(1) A premises consisting of a permanent building or structure where the tobacco product **or electronic cigarette** is sold or distributed.

(2) A premises upon which a cigarette vending machine (as defined by IC 35-43-4-7) is located."

Page 1, line 6, delete "question," and insert "question".

Page 1, line 8, reset in roman "The department".

Page 1, reset in roman line 9.

Page 1, line 10, reset in roman "that are necessary to ascertain the".

Page 1, line 11, after "cigarettes" insert "**number of units sold**".

Page 1, line 11, reset in roman "of such tobacco product manufacturer for each year."

Page 1, line 11, delete "year." and insert "year".

Page 2, line 19, delete "IC 24-3-5.4-17" and insert "**section 17 of this chapter**".

Page 2, line 22, delete "agreement;" and insert "**agreement and related settlement agreements**";.

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 4. IC 24-3-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### **Chapter 7. Nicotine Liquid Container Packaging**

**Sec. 1. This chapter does not apply to any product that:**

**(1) has been approved or certified by the United States Food and Drug Administration for sale:**

**(A) as a tobacco cessation product;**

**(B) as a tobacco dependence product; or**

**(C) for another medical purpose; and**

**(2) is marketed and sold for an approved purpose referred to in subdivision (1)(A) through (1)(C).**

**Sec. 2. As used in this chapter, "child resistant packaging" means packaging that:**

**(1) is designed or constructed so that it is significantly difficult for children less than five (5) years of age to:**

**(A) open the package; or**

**(B) obtain a toxic or harmful amount of substance from within the package;**

**within a reasonable time; but**

**(2) is not difficult for adults to use properly.**

**Sec. 3. As used in this chapter, "commission" refers to the alcohol and tobacco commission created by IC 7.1-2-1-1.**

**Sec. 4. As used in this chapter, "electronic cigarette" means a device that is capable of providing an inhalable dose of nicotine by delivering a vaporized solution. The term includes the components and cartridges of an electronic cigarette.**

**Sec. 5. (a) As used in this chapter, "electronic delivery device" means any product that:**

**(1) contains or delivers nicotine, lobelia, or any other substance intended for human consumption; and**

**(2) can be used by a person to simulate smoking in the delivery of nicotine, lobelia, or any other substance through inhalation of vapor from the product.**

**(b) The term includes any component part of a product described in subsection (a), whether or not the component part is marketed or sold separately.**

**Sec. 6. (a) As used in this chapter, "nicotine liquid container" means a bottle or other container that:**

**(1) contains a nicotine liquid or another substance containing nicotine; and**

**(2) is sold, marketed, or intended for use with an electronic cigarette or other electronic delivery device.**

**(b) The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use with an electronic cigarette if the cartridge:**

**(1) is prefilled and sealed by the manufacturer; and**

**(2) is not intended to be opened by the consumer.**

**Sec. 7. A person may not manufacture, sell, or distribute:**

**(1) a liquid or gel substance containing nicotine; or**

**(2) a nicotine liquid container;**

**unless the product is contained in child resistant packaging.**

**Sec. 8. (a) If the commission discovers any product sold or distributed in violation of this chapter, the commission may**

seize and take possession of the product. The commission shall destroy products seized under this subsection.

(b) The commission may impose a civil penalty on any person who sells or distributes a product in violation of this chapter. However, the civil penalty may not exceed the greater of:

(1) five hundred percent (500%) of the retail value of the product sold or distributed in violation of this chapter; or

(2) five thousand dollars (\$5,000)."

Renumber all SECTIONS consecutively.

(Reference is to SB 463 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 8, Nays 2.

BUCK, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 466, 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 date in SECTION 2 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 5 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective date in SECTION 25 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 41, after "Sec. 7." insert "(a)".

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

**"(b) The following apply to a student attending a postsecondary educational institution in Indiana:**

**(1) A student who applies to register to vote shall state the address of the student's residence.**

**(2) A student may have only one (1) residence under Indiana law.**

**(3) A student's residence may be either of the following, depending on the facts of the student's situation and the student's intentions:**

**(A) The address that the student traveled from to attend a postsecondary educational institution.**

**(B) The address in the community in which the student is attending a postsecondary educational institution, if the student has no intention of returning to the address described in clause (A).**

**(4) There is no rule on legal residence that applies to all students attending postsecondary educational institutions. Each case and each student is different."**

Page 4, line 9, strike "commission" and insert "election division".

Page 6, line 14, delete "may not serve at the same time" and insert "is not entitled to receive credentials".

Page 6, line 26, delete "has" and insert "is entitled to:

**(1) enter, leave, and reenter the satellite office at any**

**time the office is open;**

**(2) inspect the voting systems before absentee ballots are received at the satellite office each day;**

**(3) inspect the work being done by any elected official, absentee board member, or county employee at the satellite office; and**

**(4) witness any proceeding of the county election board or an absentee voting board at the satellite office."**

Page 6, delete line 27.

Page 19, between lines 18 and 19, begin a new line block indented and insert:

**"(7) Information received from the election division under section 16(b) of this chapter."**

Page 21, line 11, strike "Not later than August 1, 2013,".

Page 21, line 11, delete "the" and insert "The".

Page 64, line 16, after "52 U.S.C. 20302(b)" delete "," and insert "**and with the name of the precinct completed by the county election board,"**."

Page 64, line 19, strike "(1) The name of the precinct and township (or)".

Page 64, line 19, delete "council".

Page 64, line 20, delete "district".

Page 64, line 20, strike "and city or town)."

Page 64, line 21, strike "(2)" and insert "**(1)**".

Page 64, line 25, strike "(3)" and insert "**(2)**".

Page 64, line 27, strike "(4)" and insert "**(3)**".

Page 64, line 29, strike "(5)" and insert "**(4)**".

Page 65, line 5, strike "(6)" and insert "**(5)**".

Page 74, line 1, after "IC 3-11-18.1-4" delete "." and insert "**, except to document and report to a precinct election officer, the county election board, or the election division a problem with the functioning of the voting system."**

Page 74, between lines 3 and 4, begin a new paragraph and insert:

**"SECTION 94. IC 3-11-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. A voter or person offering to vote may not converse or communicate with a person other than a member of the precinct election board in a loud or disruptive manner while at the polls."**

Page 74, line 8, after "voting" insert "**, including a list stored on a cellular telephone or similar electronic device,"**."

Page 75, line 29, after "Sec. 8.5." insert "**(a) This section does not apply to an application for an absentee ballot from a voter participating in the address confidentiality program under IC 5-26.5-2.**

**(b)".**

Page 81, line 42, after "IC 3-11-2-16" delete ";" and insert "**"because of the omission of a candidate, political party, or public question from the ballot;"**."

Page 82, line 8, delete "error or".

Page 82, line 8, after "omission" delete "," and insert "**"of a candidate, political party, or public question,"**."

Page 83, line 18, after "IC 3-11-2-16" delete ";" and insert "**"because of the omission of a candidate, political party, or public question from the ballot;"**."

Page 83, line 27, delete "error or".

Page 83, line 27, after "omission" delete "," and insert "**"of a**

candidate, political party, or public question,".

Page 85, line 37, delete "county" and insert "**major**".

Page 85, line 37, after "party" insert "**of a county**".

Page 94, line 7, delete "(a) As used in this section, "campaign".

Page 94, delete lines 8 through 9.

Page 94, line 10, reset in roman "(a)".

Page 94, line 10, delete "(b)".

Page 94, run in lines 7 through 10.

Page 94, line 16, reset in roman "(b)".

Page 94, line 16, delete "(c)".

Page 94, line 18, reset in roman "(c)".

Page 94, line 18, delete "(d)".

Page 94, line 23, reset in roman "(d)".

Page 94, line 23, delete "(e)".

Page 94, line 29, reset in roman "(e)".

Page 94, line 29, delete "(f)".

Page 94, between lines 34 and 35, begin a new paragraph and insert:

**"(f) A government employee may not knowingly or intentionally wear or display an article of clothing or button that states the name of any political party or includes the name, picture, photograph, or other likeness of a candidate or currently elected federal, state, county, or local official on the government employee's property during regular working hours."**

Page 94, line 41, reset in roman "(d)".

Page 94, line 41, after "(d)" delete "(e)" and insert ",".

Page 94, line 41, strike "or".

Page 94, line 41, reset in roman "(e)".

Page 94, line 41, after "or (e)" insert ", or".

Page 99, line 38, delete "may" and insert "**shall**".

Page 100, line 16, delete "seat designation" and insert "**court number assigned by the roster of judicial officers maintained by the Supreme Court of Indiana, Division of State Court Administration,**".

Page 100, line 24, strike "name of the incumbent judge" and insert "**court number**".

Page 100, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 132. IC 33-33-82-31, AS AMENDED BY P.L.58-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31. (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

**(b) Not later than December 31 of the year immediately preceding a year in which the office of judge of the Vanderburgh superior court will be on the ballot, the clerk of the circuit court shall file with the election division a list containing the name and the court number assigned by the roster of judicial officers maintained by the Supreme Court of Indiana, Division of State Court Administration, for each judge of the Vanderburgh superior court.**

~~(b)~~ **(c)** During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the

election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and ~~designated which~~ **designating by court number the** judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

(1) domiciled in the county of Vanderburgh;

(2) a citizen of the United States; and

(3) admitted to the practice of law in Indiana.

(c) If an individual who files a declaration under subsection ~~(b)~~ **(c)** ceases to be a candidate after the final date for filing a declaration under subsection ~~(b)~~; **(c)**, the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(d) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(e) IC 3, where not inconsistent with this chapter, applies to elections under this chapter."

Page 101, line 27, after "placement" insert "**or display of materials:**

**(1) advocating the election or defeat of a candidate or public question; or**

**(2) supporting or opposing a political party;"**.

Page 101, line 28, delete "of election related communications".

Page 101, line 28, beginning with "on" begin a new line blocked left.

Page 101, line 30, delete "communications" and insert "**the placement or display of these materials**".

Page 101, line 30, delete "to be placed".

Page 101, line 30, after "on" delete "the".

Page 101, line 31, delete "political subdivision's" and insert "**that real or personal**".

Page 101, line 32, delete "that apply to election related communications." and insert ".".

Renumber all SECTIONS consecutively.

(Reference is to SB 466 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

WALKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 516, 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 lines 8 through 16, begin a new paragraph and insert:

"SECTION 2. IC 8-1-31-5, AS AMENDED BY P.L.209-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. As used in this chapter, "eligible infrastructure improvements" means new

used and useful water or wastewater utility **distribution or collection** plant projects that:

(1) do not increase revenues by connecting a ~~distribution or collection system~~ to new customers;

(2) are:

(A) in service; or

(B) **approved for debt funding by the commission;** and

(3) **either:**

(A) **for a public utility**, were not included in the public utility's rate base in its most recent general rate case; or

(B) **for a municipally owned or not-for-profit utility:**

(i) **were put in service or approved by the commission for funding after the utility's pro forma test year in its most recent general rate case; and**

(ii) **are not subject to another rate adjustment mechanism."**

Page 2, delete lines 1 through 4.

Page 2, line 12, delete "." and insert "**and is under the jurisdiction of the commission for the approval of rates and charges.**".

Page 2, delete lines 13 through 33, begin a new paragraph and insert:

"SECTION 2. IC 8-1-31-5.5, AS ADDED BY P.L.209-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. As used in this chapter, "infrastructure improvement costs" means **the following:**

(1) **For a public utility**, depreciation expenses and pretax return associated with eligible infrastructure improvements.

(2) **For a municipally owned utility, debt service and depreciation expenses associated with eligible infrastructure improvements.**

(3) **For a not-for-profit utility, debt service associated with eligible infrastructure improvements."**

Page 4, delete lines 10 through 25, begin a new paragraph and insert:

"SECTION 12. IC 8-1-31-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.5. In determining the amount of allowable recovery of infrastructure improvement costs for a municipally owned utility, the commission may consider the following factors:**

(1) **Debt service on funds borrowed to pay for eligible infrastructure improvements.**

(2) **Depreciation expenses on eligible infrastructure improvements based on the same rate or rates of depreciation approved by the commission for the calculation of depreciation in the utility's most recent rate case.**

(3) **Other components that the commission considers appropriate.**

SECTION 13. IC 8-1-31-11.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.6. In determining the amount of allowable recovery of infrastructure improvement costs for a not-for-profit utility, the commission may consider the following factors:**

(1) **Debt service on funds borrowed to pay for eligible infrastructure improvements.**

(2) **Other components that the commission considers appropriate."**

Renumber all SECTIONS consecutively.

(Reference is to SB 516 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

CHARBONNEAU, Chair

Report adopted.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 429

Senator Niemeyer called up Engrossed Senate Bill 429 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 152: yeas 42, nays 8. 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. House sponsors: Representatives Slager and Fine.

### Engrossed Senate Bill 467

Senator Schneider called up Engrossed Senate Bill 467 for third reading:

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

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

Roll Call 153: yeas 50, 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. House sponsor: Representative Culver.

### Engrossed Senate Bill 508

Senator Steele called up Engrossed Senate Bill 508 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 154: yeas 46, nays 4. 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. House sponsors: Representatives Lehe and Baird.

**RESOLUTIONS ON SECOND READING****Senate Resolution 8**

Senator Merritt called up Senate Resolution 8 for second reading. The resolution was read a second time and adopted by voice vote.

**SENATE BILLS ON SECOND READING****Senate Bill 98**

Senator Tomes called up Senate Bill 98 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 126**

Senator Bassler called up Senate Bill 126 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 208**

Senator Patricia Miller called up Senate Bill 208 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 283**

Senator Walker called up Senate Bill 283 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 289**

Senator Arnold called up Senate Bill 289 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 309**

Senator Crider called up Senate Bill 309 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 309-1)

Madam President: I move that Senate Bill 309 be amended to read as follows:

Page 5, line 15, delete "(a)(2) or (a)(3), as applicable." and insert "**(a)(2), subsection (a)(3) (if applicable), or section 7 of this chapter.**".

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 2. IC 8-1-2.3-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) This section does not apply to incorporations, consolidations, mergers, or annexations that:**

- (1) are under IC 36-4-3-4(a)(3), IC 36-4-3-4(b), IC 36-4-3-4(h), or IC 36-4-3-4.1; or**
- (2) are not contiguous under IC 36-4-3-13(b) or IC 36-4-3-13(c).**

**(b) After May 12, 2015, if:**

- (1) a municipality that owns and operates an electric utility system furnishing retail electric service to the public annexes an area beyond the assigned service area of its municipally owned electric utility; and**
- (2) the municipality and the affected incumbent electricity suppliers do not, within a specified number of days after the annexation becomes effective (as determined by the commission in rules adopted under subsection (f)(1)), reach a mutual agreement under section 6(a)(2) of this chapter to change the boundaries of the assigned service areas of the municipally owned electric utility and the affected incumbent electricity suppliers;**

**a simple majority of the property owners in the annexed area may submit to the commission a petition requesting that the commission determine whether the public convenience and necessity will be served if the municipally owned electric utility renders service in the annexed area.**

**(c) If a petition is submitted to the commission under subsection (b), the commission shall require all affected electricity suppliers, including the municipally owned electric utility, to appear before the commission. Upon notice and after hearing, the commission shall determine whether the public convenience and necessity will be served if the municipally owned electric utility renders service in the annexed area. In making a determination under this subsection as to whether the public convenience and necessity will be served, the commission shall consider all relevant matters, including the following:**

- (1) The preference of property owners and utility service customers in the annexed area.**
- (2) The ability of the municipally owned electric utility to render service following the assignment of the annexed area into the municipally owned electric utility's assigned service area.**
- (3) Other utility services to be supplied in the annexed area by the municipality.**
- (4) The:**
  - (A) proximity to the annexed area; and**
  - (B) capability;**
- of the service repair facilities of all affected electricity suppliers, including those of the municipally owned electric utility.**
- (5) The preference of local government officials.**

**(d) If the commission determines under subsection (c) that the public convenience and necessity will be served if the municipally owned electric utility renders service in the annexed area, the commission shall:**

- (1) issue an order:**
  - (A) changing the assigned service areas of the municipally owned electric utility and the affected incumbent electricity suppliers to include the annexed area within the assigned service area of the municipally owned electric utility; and**
  - (B) giving the right to serve and immediate possession to the municipally owned electric utility; and**

(2) determine just and reasonable compensation to be paid to the affected incumbent electricity suppliers.

An order of the commission under this subsection is enforceable in court pending an appeal of the order. An appellant from a court order enforcing a commission order under this subsection is not entitled to a stay of the court order pending appeal.

(e) All affected electricity suppliers that appear before the commission under subsection (c) upon a petition to change the boundaries of the assigned service areas of the affected electricity suppliers shall bear their own fees and costs. Property owners submitting a petition to the commission under this section shall not be assessed any fees or costs by the commission in connection with the petition or with the hearing under subsection (c).

(f) The commission shall adopt rules under IC 4-22-2 establishing:

(1) procedures and time frames for the submission of a petition under subsection (b);

(2) procedures and time frames for the actions described in subsection (c); and

(3) guidelines for determining just and reasonable compensation under subsection (d)(2) and time frames for the payment of such compensation.

In adopting rules under this subsection, the commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this subsection in the manner provided under IC 4-22-2-37.1 expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36."

Renumber all SECTIONS consecutively.

(Reference is to SB 309 as printed February 10, 2015.)

BRODEN

Motion failed. The bill was ordered engrossed.

### Senate Bill 387

Senator Hershman called up Senate Bill 387 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 387-1)

Madam President: I move that Senate Bill 387 be amended to read as follows:

Page 5, line 11, delete "taxpayer or the".

Page 5, line 14, delete "taxpayer's".

Page 5, line 15, delete "taxpayer's".

Page 5, line 18, delete "taxpayer" and insert "**taxpayer's representative**".

Page 5, line 18, delete "to obtain a" and insert "**to represent the taxpayer in any subsequent proceedings or**".

(Reference is to SB 387 as printed February 13, 2015.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

### Senate Bill 394

Senator Charbonneau called up Senate Bill 394 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 395

Senator Houchin called up Senate Bill 395 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 415

Senator Merritt called up Senate Bill 415 for second reading. The bill was re-read a second time by title.

SENATE MOTION  
(Amendment 415-4)

Madam President: I move that Senate Bill 415 be amended to read as follows:

Page 18, line 13, delete "before" and insert "**not later than fifty-one (51) days after the first tax payment due date each calendar year.**".

Page 18, delete line 14.

Page 19, line 41, delete "may, at" and insert "**may:**

(1) **after January 1 of each calendar year in which a tax sale will be held in the county; and**

(2) **not later than fifty-one (51) days after the first tax payment due date in that calendar year;**

**certify to the county auditor that a property is not suitable for tax sale. The certification must identify the names and addresses of each person with a substantial property interest of record. When making the application for judgment under section 4.6(b) of this chapter, the county auditor shall include a list of the properties certified not suitable for tax sale and the names and addresses of each person with a substantial property interest of record in the certified properties that was provided to the county auditor with the certification.**"

Page 19, delete line 42.

Page 20, delete lines 1 through 4.

Page 20, line 24, delete "one (1) year" and insert "**one hundred twenty (120) days**".

Page 21, line 32, reset in roman "five".

Page 21, line 33, reset in roman "percent (5%)".

Page 21, line 33, delete "using the adjusted rate of".

Page 21, delete line 34.

Page 21, line 35, delete "of state income tax under IC 6-8.1-10-1,".

Page 21, line 39, reset in roman "at the rate of five percent (5%)".

Page 21, line 39, delete "using the".

Page 21, delete line 40.

Page 21, line 41, delete "late payments of state income tax under IC 6-8.1-10-1,".

Page 29, line 37, delete "." and insert "**under IC 6-1.1-24-1.7.**".

Page 30, line 37, delete "may" and insert "**shall**".

Page 30, delete lines 39 through 42, begin a new line block indented and insert:



"(1) contains hazardous waste or another environmental hazard; or  
 (2) has unsafe building conditions;  
 for which the cost of abatement or remediation will exceed the fair market value of the property.".

Page 31, delete lines 1 through 3.

Page 31, line 25, delete "disbursed in the same manner as if such" and insert "**applied in accordance with IC 6-1.1-25-9(a).**".

Page 31, delete lines 26 through 27.

Page 40, delete lines 38 through 42.

Delete page 41.

Page 42, delete lines 1 through 23.

Page 45, line 12, delete "one (1) year" and insert "**one hundred twenty (120) days**".

Page 45, line 40, delete "one (1) year" and insert "**one hundred twenty (120) days**".

Page 46, delete lines 12 through 42.

Page 47, delete lines 1 through 34.

Page 59, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 42. IC 34-30-26-7, AS ADDED BY P.L.66-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to real property for which **the executive of a city, town, or county or an enforcement authority (as defined by IC 36-7-9-2)** has obtained a **judgment determination of abandonment** under ~~IC 32-30-10-6 that the real property is (1) vacant; or (2) abandoned; due to a request for a determination by an enforcement authority.~~ **IC 36-7-37 or IC 36-7-9.**

(b) A city, town, or county may provide a potential purchaser or a potential lender to a person who may want to purchase the real property an opportunity to visually inspect the real property, if accompanied by the appropriate enforcement authority. The appropriate enforcement authority may accompany the person in inspecting the real property and may enter upon the real property, including any structure located on the real property, to visually inspect the real property to determine whether the real property may be desirable. For purposes of a visual inspection under this section, a potential purchaser or a potential lender may not:

- (1) request a utility provider or the city, town, or county to connect or turn on utilities to the real property; or
- (2) physically disturb or alter the real property.

(c) An enforcement authority or a person that enters upon the premises of real property as permitted under this section:

- (1) is immune from civil liability for an act or omission related to the entry, unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and
- (2) shall be held harmless from and against all claims of civil or criminal trespass."

(Reference is to SB 415 as reprinted February 11, 2015.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 434

Senator Hershman called up Senate Bill 434 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 438

Senator Hershman called up Senate Bill 438 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 438-1)

Madam President: I move that Senate Bill 438 be amended to read as follows:

Page 19, line 6, strike "as it existed before being amended by".

Page 19, strike line 7.

Page 19, line 8, strike "Creation Act of 2010 (P.L. 111-312)".

Page 19, line 13, after "Code" insert ".".

Page 19, line 13, strike "as it existed before".

Page 19, strike lines 14 through 15.

(Reference is to SB 438 as printed February 13, 2015.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 155: yeas 10, nays 40.

Motion failed. The bill was ordered engrossed.

#### Senate Bill 465

Senator Patricia Miller called up Senate Bill 465 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 491

Senator Boots called up Senate Bill 491 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 528

Senator Pete Miller called up Senate Bill 528 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 528-1)

Madam President: I move that Senate Bill 528 be amended to read as follows:

Page 15, line 11, after "consists" delete "of" and insert "of:

**(1)**".

Page 15, line 12, delete "chapter." and insert "chapter; **and (2) money collected under section 14.1 of this chapter.**".

Page 18, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 25. IC 5-15-5.1-14.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14.1. (a) The administration may sell or exchange any records or nonrecord holdings that the administration:**

- (1) does not need; and  
 (2) is not required to maintain.

(b) The administration may make and sell pictures, models, books, souvenirs, crafts, art, videotapes, digital video discs, and other merchandise that consists of or contains images, depictions, or reproductions of records and exhibits of the state archives.

(c) All money received from sales of records, nonrecord holdings, and merchandise under this section shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter."

Page 20, delete lines 40 through 42.

Page 21, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 32. IC 5-15-6-1, AS AMENDED BY P.L.78-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A commission is hereby created in each county of the state which shall be known as the county commission of public records of \_\_\_\_\_ county.

(b) The county commission shall consist, ex officio, of:

- (1) the judge of the circuit court **or the judge's designee;**
- (2) the president of the board of county commissioners **or the president's designee;**
- (3) the county auditor **or the auditor's designee;**
- (4) the clerk of the circuit court **or the clerk's designee;**
- (5) the county recorder **or the recorder's designee;**
- (6) the superintendent of schools of the school district in which the county seat is located **or the superintendent's designee;** and
- (7) either:
  - (A) the city controller of the county seat city **or the city controller's designee;** ~~and~~ **or**
  - (B) if there is no city controller **as described in clause (A),** then the clerk-treasurer of the county seat city or town. ~~shall be a member of such commission.~~

(c) The commission shall elect one (1) of its members to be chairman. The clerk of the circuit court or the county recorder must be secretary of the commission. The person who serves as secretary shall be determined as follows:

- (1) By mutual agreement of the clerk of the circuit court and the county recorder.
- (2) If a mutual agreement cannot be reached under subdivision (1), by an affirmative vote of a majority of members of the county commission.

**The commission shall provide to the administration the names and contact information for the chairman and secretary not later than thirty (30) days after the date of the determination.** The members of the county commission shall serve without compensation and shall receive no disbursement for any expense.

(d) The county commission shall meet at least one (1) time in each calendar year."

Page 26, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 45. IC 16-37-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Except

as provided in subsection ~~(b)~~, (c), the records and files of the division of the state department concerning vital statistics are subject to this article and rules of the state department. Data contained in the records and files may be disclosed only as follows:

(1) The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part of a certificate only if the state registrar is satisfied of the following:

- (A) That the applicant has a direct interest in the matter recorded.
- (B) That the information is necessary for the determination of personal or property rights or for compliance with state or federal law.

The state registrar's decision is subject to review by the state department or a court under this section.

(2) The state department may permit the use of data contained in vital statistical records for research purposes only, but no identifying use may be made of the data.

(3) In any extraordinary case that the state registrar determines is a direct tangible and legitimate public interest.

**(b) Notwithstanding subsection (a)(1) through (a)(3), a certificate of death received by a local health department (as defined in IC 16-18-2-211) or the state department is a public record that, upon request, must be made available for inspection and copying if:**

- (1) the copy made of the certificate of death is not a certified copy;
- (2) any Social Security number that appears on the certificate of death is redacted; and
- (3) any charge or fee that is due under section 9, 11, or 11.5 of this chapter is collected.

~~(b)~~ (c) The birth record of an adopted child remains subject to the confidentiality provisions of IC 31-19 regarding the release of adoption information.

**(d) The state registrar may deny a request to inspect or copy a record concerning vital statistics that is in the state registrar's possession if the state registrar has a reasonable suspicion that releasing the record may result in fraud or identity theft."**

Renumber all SECTIONS consecutively.

(Reference is to SB 528 as printed February 3, 2015.)

PETE MILLER

Motion prevailed.

SENATE MOTION  
 (Amendment 528-4)

Madam President: I move that Senate Bill 528 be amended to read as follows:

Page 14, line 17, delete "Demand," and insert "**Discharge the following duties:**

**(A) Ensure that the state retains all records that were or are to be retained by the territorial or state government under:**

- (i) an Ordinance for the Government of the Territory of the United States, North-West of the River Ohio;

- (ii) the acts, laws, and executive orders of the Indiana Territory;
- (iii) the Constitution of the State of Indiana of 1816;
- (iv) the Constitution of the State of Indiana of 1851; and
- (v) the laws of the state.

**(B) Under clause (A), demand".**

Page 14, line 17, delete "body that is not" and insert "body:".

Page 14, delete line 18.

Page 14, line 19, delete "possession under IC 5-15-6, who" and insert "~~who~~

**(i) that".**

Page 14, line 20, delete "records," and insert "records; and

**(ii) that is not an agency, a local government, or a local genealogical or historical society that obtained possession of the records under IC 5-15-6;".**

Page 14, line 20, beginning with "those" begin a new line double block indented.

Page 14, line 21, delete "records," and insert "records referred to in item (i),".

Page 14, line 29, strike "the agencies of".

Page 14, line 37, delete "the purchase and" and insert **"records management and archival principles as applicable to the purchase"**.

Page 14, line 38, delete "implementation".

(Reference is to SB 528 as printed February 3, 2015.)

PETE MILLER

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 532**

Senator Head called up Senate Bill 532 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 534**

Senator Grooms called up Senate Bill 534 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 556**

Senator Yoder called up Senate Bill 556 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 556-1)

Madam President: I move that Senate Bill 556 be amended to read as follows:

Page 4, delete lines 41 through 42.

Page 5, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

(Reference is to SB 556 as printed February 13, 2015.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 55**

Senator Steele called up Engrossed Senate Bill 55 for third reading:

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

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

Roll Call 156: yeas 22, nays 27. The bill was declared defeated.

**Engrossed Senate Bill 133**

Senator Randolph called up Engrossed Senate Bill 133 for third reading:

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

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

Roll Call 157: yeas 31, nays 19. 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. House sponsors: Representatives C. Brown, Slager, Soliday, Harris, and Fine.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 387.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 434.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 289.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 491.

BOOTS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Broden be added as third author of Senate Bill 80.

YODER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Breaux be added as third author of Senate Bill 294.

PATRICIA MILLER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Engrossed Senate Bill 177.

MERRITT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 556.

YODER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Senate Bill 350.

RANDOLPH

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Messmer be added as second author of Senate Bill 395.

HOUCHIN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Engrossed Senate Bill 172.

BRAY

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 434.

HERSHMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 465.

PATRICIA MILLER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Steele be added as second author of Senate Bill 441.

HERSHMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Engrossed Senate Bill 1.

HOLDMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Grooms be added as third author of Engrossed Senate Bill 439.

HERSHMAN

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author of Senate Bill 534.

GROOMS

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senator Rogers be added as third author of Senate Bill 509.

CHARBONNEAU

Motion prevailed.

## SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 17, 2015.

LONG

Motion prevailed.

The Senate adjourned at 4:01 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate