



# Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Twenty-second Meeting Day

Thursday Afternoon

February 19, 2015

The Senate convened at 1:33 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor James Faris, Second Reformed Presbyterian Church, Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator James A. Tomes.

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 184: 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.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Resolution 3, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass. Committee Vote: Yeas 8, Nays 2.

STEELE, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Joint Resolution 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution be amended as follows:

Page 1, line 7, after "5." insert "(a)".

Page 1, line 7, reset in roman "No law shall authorize any debt to be".

Page 1, reset in roman lines 8 through 10.

Page 1, line 11, reset in roman "threatened, provide for the public defense."

Page 1, line 11, delete "(a)", begin a new paragraph and insert: "(b)".

Page 2, line 1, delete ":" and insert "**only for purposes of the limits on the State budget under this section:**".

Page 2, delete lines 6 through 10, begin a new line block indented and insert:

**"(2) "Expense" means the ordinary operating costs of State government, including any debt service payments made during the budget period and the costs necessary to:**

**(A) actuarially fund the accrued liabilities for employees' pension benefits; and**

**(B) fully fund the liability for any cost of living increases or other increases or supplements authorized during the budget period for pension benefits."**

Page 2, line 11, delete "(b)" and insert "(c)".

Page 2, line 11, delete "(c)," and insert "(d)".

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

Page 2, line 34, delete "(d)" and insert "(e)".

Page 2, line 36, delete "actuarially fund the accrued liability of all such" and insert ":

**(1) actuarially fund the accrued liability of all such pension funds during the budget period; and**

**(2) fully fund the liability for any cost of living increases or other increases or supplements authorized during the budget period for pension benefits."**

Page 2, delete lines 37 through 38.

Page 2, line 39, delete "(e)" and insert "(f)".

Page 2, line 41, delete "(f)" and insert "(g)".

(Reference is to SJR 19 as printed February 13, 2015.)

and when so amended that said resolution do pass.

Committee Vote: Yeas 9, Nays 1.

HERSHMAN, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 500, 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 6, delete lines 18 through 42.

Page 7, delete lines 1 through 24.

Page 7, line 25, delete "IS REPEALED [EFFECTIVE JULY" and insert ", AS AMENDED BY P.L.40-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Each ~~school within a school corporation and each school corporation career and technical education school described in IC 20-37-1-1~~ shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. **Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.**

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, criminal gang activity, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

(1) developing and implementing bullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1."

Page 7, delete lines 26 through 42.

Delete pages 8 through 14.

Page 15, delete lines 1 through 10.

Page 15, delete lines 36 through 42.

Delete page 16.

Page 17, delete lines 1 through 27.

Page 17, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 28. IC 5-13-9-8, AS AMENDED BY P.L.202-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. Any investing officer of a political subdivision that makes a deposit in any deposit or other account may be required to pay a service charge to the depository in which the funds are deposited, if the depository requires all customers to pay the charge for providing that service. However, the service charge imposed must be considered in the computation of the interest rate for determining which depositories are entitled to investments as prescribed by sections 4 and 5 of this chapter. If the total service charge cannot be computed before the investment, the investing officer shall estimate the service charge and adjust the interest rate based on this estimate. The service charge may be paid:

(1) by direct charge to the deposit or other account; or

(2) in a manner that subtracts the service charge from interest earned on the funds in the deposit or other account.

**If the manner described in subdivision (2) is used to pay the service charge, the political subdivision must report the net interest deposited in the political subdivision's financial records, and the political subdivision is not required to report the amount of the service charge subtracted in the political subdivision's financial records."**

Delete pages 18 through 21.

Page 22, delete lines 1 through 20.

Page 32, delete lines 12 through 16, begin a new paragraph and insert:

"SECTION 32. IC 5-15-5.1-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Before January 1, 2016, the commission or its successor shall:**

**(1) revise retention requirements that apply to school corporations for electronic mail messages; and**

**(2) review policies and procedures that apply to school corporations for electronic mail messages."**

Page 40, line 27, delete "(d)".

Page 40, line 27, strike "Before a parent or guardian of a student may purchase".

Page 40, strike lines 28 through 34.

Page 42, reset in roman lines 5 through 6.

Page 42, line 6, after "corporation" insert ".".

Page 56, line 19, after "Indiana." insert "**The committee may not change the data reporting requirements for data used by the state board to place each school in a category or designation of school performance under IC 20-31-8-4.**"

Page 91, line 38, delete ":".

Page 91, line 39, strike "(1)".

Page 91, line 40, delete "; or" and insert ".".

Page 91, line 41, strike "(2) submit a charter school proposal to another authorizer."

Page 92, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 105. IC 20-24-3-12, AS AMENDED BY P.L.280-2013, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This section applies if the authorizer rejects a proposal.

(b) The organizer may ~~appeal the decision of the authorizer to request~~ the charter school review panel established by subsection (c) **to grant approval for the organizer to submit a charter school proposal to another authorizer.**

(c) The charter school review panel is established. The members of the panel are as follows:

- (1) The governor or the governor's designee.
- (2) The state superintendent, who shall chair the panel.
- (3) A member of the state board appointed by the state superintendent.
- (4) A person with financial management experience appointed by the governor.
- (5) A community leader with knowledge of charter school issues appointed jointly by the governor and the state superintendent.

A member shall serve a two (2) year term and may be reappointed to the panel upon expiration of the member's term.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's ~~proposal and the authorizer's reasons for rejecting the proposal.~~ **request for approval for the organizer to submit a charter school proposal to another authorizer.** The panel must allow the organizer and authorizer to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following findings and issue the finding to the organizer and the authorizer:

- (1) A finding that ~~supports the authorizer's rejection of the proposal.~~ **grants approval for the organizer to submit a charter school proposal to another authorizer.**
- (2) A finding that ~~denies approval for the organizer to submit a charter school proposal to another authorizer.~~

(A) ~~recommends that the organizer amend the proposal;~~  
and

(B) ~~specifies the changes to be made in the proposal if the organizer elects to amend the proposal.~~

(3) ~~A finding that approves the proposal.~~

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) ~~If the panel makes a finding described in subsection (f)(1);~~ The finding **of the panel** is final.

(h) ~~If the panel makes a finding described in subsection (f)(2);~~ the organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.

(i) ~~If the panel makes a finding described in subsection (f)(3);~~ the proposal is considered conditionally approved. The approval shall be considered final upon delivery to the panel of written notice from the organizer and an eligible authorizer that the authorizer has agreed to serve as an authorizer for the proposal approved by the panel.

(j) ~~Proposals approved under this section shall not be counted under any numerical limits placed upon an authorizer or set of authorizers."~~

Page 93, delete lines 1 through 6.

Page 96, line 2, strike "ISTEP program".

Page 96, line 3, strike "testing" and insert **"statewide standardized tests"**.

Page 125, line 17, after "petitions" insert ",".

Page 141, reset in roman line 34.

Page 141, line 35, reset in roman "assess a rental fee of more than".

Page 141, line 35, after "fifteen" insert **"twenty-five"**.

Page 141, line 35, reset in roman "percent".

Page 141, line 35, after "(15%)" insert **"(25%)"**.

Page 141, line 35, reset in roman "of the retail price".

Page 141, reset in roman lines 36 through 39.

Page 141, line 40, reset in roman "(c)".

Page 141, line 40, delete "(b)".

Page 147, line 30, strike "six (6)" and insert **"three (3)"**.

Page 147, strike lines 32 through 34.

Page 148, delete lines 38 through 42.

Delete page 149.

Page 152, delete lines 31 through 42.

Page 153, delete lines 1 through 25.

Page 153, delete lines 33 through 42.

Page 154, delete lines 1 through 13.

Page 164, delete lines 32 through 34.

Page 164, line 35, strike "(d)" and insert **"(c)"**.

Page 176, delete lines 9 through 17.

Page 179, line 3, reset in roman "(a) Each school corporation shall:".

Page 179, reset in roman lines 4 through 8.

Page 179, line 15, after "(c)" insert **"(b)"**.

Page 179, line 15, reset in roman "Literature that is distributed to school children and young adults".

Page 179, reset in roman line 16.

Page 179, line 17, after "(d)" insert **"(c)"**.

Page 179, delete lines 21 through 42.

Page 180, delete lines 1 through 38.

Page 184, delete lines 34 through 42.

Page 185, delete lines 1 through 22.

Page 186, line 17, after "school" insert ",".

Page 205, delete lines 30 through 41.

Page 225, line 12, delete "practically".

Page 235, delete lines 37 through 42.

Delete page 236.

Page 237, delete lines 1 through 11.

Page 241, delete lines 2 through 25, begin a new paragraph and insert:

"SECTION 388. IC 36-1-7-4, AS AMENDED BY P.L.221-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If an agreement under section 3 of this chapter:

(1) involves as parties:

(A) only Indiana political subdivisions; or

(B) an Indiana political subdivision and:

(i) a public instrumentality; or

(ii) a public corporate body;  
 created by state law;  
 (2) is approved by the fiscal body of each party that is an Indiana political subdivision either before or after the agreement is entered into by the executive of the party; and  
 (3) delegates to the treasurer or disbursing officer of one (1) of the parties that is an Indiana political subdivision the duty to receive, disburse, and account for all monies of the joint undertaking;  
 then the approval of the attorney general is not required.

(b) **This subsection does not apply to an agreement to which school corporations are the only parties.** If subsection (a) does not apply, an agreement under section 3 of this chapter must be submitted to the attorney general for the attorney general's approval. The attorney general shall approve the agreement unless the attorney general finds that it does not comply with the statutes, in which case the attorney general shall detail in writing for the parties the specific respects in which the agreement does not comply. If the attorney general fails to disapprove the agreement within sixty (60) days after it is submitted to the attorney general, it is considered approved."

Page 242, delete lines 40 through 42.

Page 243, delete lines 1 through 17.

Page 245, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 394. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. The governing body shall:

(1) provide to the ~~lieutenant governor~~ **department of local government finance** not more than sixty (60) days after the date of execution of the guaranteed savings contract:

(A) a copy of the executed guaranteed savings contract;

(B) the:

(i) energy or water consumption costs;

(ii) wastewater usage costs; and

(iii) billable revenues, if any;

before the date of execution of the guaranteed savings contract; and

(C) the documentation using industry engineering standards for:

(i) stipulated savings; and

(ii) related capital expenditures; and

(2) annually report to the ~~lieutenant governor~~; **department of local government finance**, in accordance with procedures established by the ~~lieutenant governor~~; **department**, the savings resulting in the previous year from the guaranteed savings contract or utility efficiency program.

SECTION 395. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) An improvement that is not causally connected to a conservation measure may be included in a guaranteed savings contract if:

(1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed savings contract; and

(2) either:

(A) the improvement is necessary to conform to a law, a rule, or an ordinance; or

(B) an analysis within the guaranteed savings contract demonstrates that:

(i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed savings contract; and

(ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported to the ~~lieutenant governor~~; **department of local government finance**."

Page 246, delete lines 1 through 7.

Page 249, delete lines 36 through 38.

Renumber all SECTIONS consecutively.

(Reference is to SB 500 as printed February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 5.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 6, 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 8, Nays 0.

ALTING, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 58, 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 lines 1 through 12.

Page 2, after line 25, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) The general assembly urges the legislative council to assign to the interim study committee on courts and the judiciary or another appropriate interim study committee for study during the 2015 interim the topic of the appropriate number of courts in Pulaski County.**

**(b) This SECTION expires November 1, 2015.**

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

Renumber all SECTIONS consecutively.

(Reference is to SB 58 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 71, 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 33-31-1-24, AS AMENDED BY P.L.201-2011, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. The judge of the St. Joseph probate court may appoint three (3) full-time magistrates under IC 33-23-5. The magistrates continue in office until removed by the judge. **In making an appointment under this section, the judge may not consider the political affiliation of a candidate for magistrate.**"

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 3. IC 33-33-71-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 30. (a) The judicial nominating commission (referred to as the "commission" in this chapter) consists of seven (7) members, the majority of whom shall form a quorum. The chief justice shall appoint a justice of the supreme court or a judge of the court of appeals to serve as a member and chairman of the commission until a successor is appointed. **judge of the St. Joseph County superior court serves ex officio as a member and chairperson of the commission.** Those admitted to the practice of law in Indiana and residing in St. Joseph County or maintaining their principal law office in St. Joseph County shall elect, under sections 32 and 33 of this chapter, three (3) of their number to serve as attorney members of the commission. If any attorney member of the commission terminates residence in St. Joseph County or discontinues the maintenance of a principal law office in St. Joseph County, the member shall be considered to have resigned from the commission. The three (3) remaining members of the commission must be persons not admitted to the practice of law (referred to as "nonattorney members" in this chapter) and residents of St. Joseph County. However, not more than two (2) of the nonattorney members may be from the same political party and that the appointment of the nonattorney members of the commission shall be made under section 31 of this chapter. Not more than four (4) commission members may be from the same political party.

(b) **This subsection does not apply to the chief judge of the St. Joseph County superior court.** A member of the commission may not hold any other salaried public office nor an office in a political party organization. A member of the commission is not eligible for appointment to a judicial office in St. Joseph County who has, within four (4) years immediately preceding an appointment, served on the commission. If any nonattorney member of the commission terminates residence in St. Joseph County, the member is considered to have resigned from the commission."

Renumber all SECTIONS consecutively.

(Reference is to SB 71 as printed February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

STEELE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 93, 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 3, line 6, after "IC 4-22-2-37.1." insert "**A rule adopted under this section must include the date on which the rule expires.**"

Page 3, delete lines 9 through 11, begin a new paragraph and insert:

"(g) **An emergency rule adopted by the board under this section expires on the earlier of the following dates:**

(1) **The expiration date described in subsection (e).**

(2) **The date the emergency rule is amended or repealed by a later rule adopted under this section.**"

(Reference is to SB 93 as printed February 11, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 99, 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 40, delete "A" and insert "**If a**".

Page 2, line 40, delete "may be exempted" and insert "**is denied a deferral**".

Page 2, line 41, delete "if the prospective juror notifies the jury" and insert "**under this section, the prospective juror may request that the trial judge review her request for a deferral. The prospective juror may provide any additional information that she believes would be helpful to the judge.**"

Page 2, delete line 42.

Page 3, delete line 1.

(Reference is to SB 99 as printed January 23, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 101, 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 7, after "usages" insert "**, including the**

implementation or application thereof,".

Page 2, line 19, after "includes" insert "the whole or any part of".

Page 2, line 26, delete "(2)." and insert "(2), including a state educational institution, a body politic, a body corporate and politic, or any other similar entity established by law."

Page 3, line 11, delete "is" and insert "has been".

Page 3, line 12, delete "burdened" and insert "burdened, or is likely to be substantially burdened,".

Page 3, line 12, delete "enforce this chapter" and insert "assert the violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or any other governmental entity is a party to the proceeding. If the relevant governmental entity is not a party to the proceeding, the governmental entity has an unconditional right to intervene in order to respond to the person's invocation of this chapter."

Page 3, delete lines 13 through 19.

Page 3, line 20, after "10." insert "(a)".

Page 3, line 24, delete "violated;" and insert "burdened, or is likely to be substantially burdened;".

Page 3, line 26, after "that" insert "application of".

Page 3, line 31, after "tribunal" insert "shall allow a defense against any party and".

Page 3, line 32, after "." begin a new paragraph and insert: "(b)".

Page 3, line 32, after "Relief" insert "against the governmental entity".

Page 3, line 32, after "include" insert "any of the following: (1) Declaratory relief or".

Page 3, after line 34, begin a new line block indented and insert:

"(2) Compensatory damages.

(c) In the appropriate case, the court or other tribunal also may award all or part of the costs of litigation, including reasonable attorney's fees, to a person that prevails against the governmental entity under this chapter."

(Reference is to SB 101 as printed January 21, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred Senate Bill 125, 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 insurance.

Page 1, line 1, delete "IC 27-2-24 IS ADDED TO THE INDIANA CODE AS" and insert "[EFFECTIVE JULY 1, 2015]."

Page 1, delete lines 2 through 7.

Page 1, line 8, delete "Sec. 2. As used in this chapter," and insert "(a) As used in this SECTION,".

Page 1, run in lines 1 through 8.

Page 2, delete lines 10 through 12.

Page 2, line 13, delete "Sec. 4. As used in this chapter," and insert: "(b) As used in this SECTION,".

Page 2, delete lines 17 through 34, begin a new paragraph and insert:

"(c) The legislative council is urged to assign to an appropriate interim study committee the topic of insurance coverage for an innocent coinsured.

(d) This SECTION expires January 1, 2016."

Renumber all SECTIONS consecutively.

(Reference is to SB 125 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 130, 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 8, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 242, 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 8, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 269, 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 7, Nays 6.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 287, 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 5, Nays 2.

M. YOUNG, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 288, 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, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-17-3, AS AMENDED BY P.L.183-2014, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. ~~The political subdivision or appropriate fiscal body, if the political subdivision is subject to section 20 of this chapter, shall (before January 1, 2015) at least ten (10) days before the public hearing, give notice to taxpayers of:~~

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

The political subdivision or appropriate fiscal body shall ~~also state the time and place at which the political subdivision or appropriate fiscal body will hold a public hearing on these the items~~ ~~The political subdivision or appropriate fiscal body shall (before January 1, 2015) publish the notice twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. The first publication must be before September 14, and the second publication must be before September 21 of the year. The political subdivision shall pay for the publishing of the notice: listed in subdivision (1).~~ The political subdivision, or appropriate fiscal body if the political subdivision is subject to section 20 of this chapter, shall submit ~~this the following~~ information to the department's computer gateway before September 14 of each year and at least ten (10) days before the public hearing required by this subsection in the manner prescribed by the department:

**(1) The information required by the department concerning:**

- (A) the estimated budget;**
- (B) the estimated maximum permissible levy;**
- (C) the current and proposed tax levies of each fund;**
- and**
- (D) the amounts of excessive levy appeals to be requested.**

**(2) Information concerning the date, time, and place at which the political subdivision or appropriate fiscal body will hold a public hearing on the items described in subdivision (1).**

The department shall make this information available to taxpayers, at least ten (10) days before the public hearing, through its computer gateway and provide a telephone number through which taxpayers may request mailed copies of a political subdivision's information under this subsection. The department's computer gateway must allow a taxpayer to search for the

information under this subsection by the taxpayer's address. The department shall review only the submission to the department's computer gateway for compliance with this section. **In addition, the political subdivision or appropriate fiscal body may also publish in one (1) or more newspapers the information required to be submitted to the department's computer gateway under this subsection. If the political subdivision or appropriate fiscal body also chooses to publish the information in a newspaper, the published information must also include the Internet address at which the official version of the information required to be submitted to the department's computer gateway is available and the telephone number through which taxpayers may request copies of that information.**

(b) For taxes due and payable in 2015 and 2016, each county shall publish a notice in accordance with IC 5-3-1 in two (2) newspapers published in the county stating the Internet address at which the information under subsection (a) is available and the telephone number through which taxpayers may request copies of a political subdivision's information under subsection (a). If only one (1) newspaper is published in the county, publication in that newspaper is sufficient. The department of local government finance shall prescribe the notice. Notice under this subsection shall be published before September 14. Counties may seek reimbursement from the political subdivisions within their legal boundaries for the cost of the notice required under this subsection. The actions under this subsection shall be completed in the manner prescribed by the department.

(c) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(d) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(e) A political subdivision for which any of the information under subsection (a) is not (before January 1, 2015) published and is not submitted to the department's computer gateway in the manner prescribed by the department shall have its most recent annual appropriations and annual tax levy continued for the ensuing budget year.

(f) If a political subdivision or appropriate fiscal body timely publishes (before January 1, 2015) and timely submits the information under subsection (a) but subsequently discovers the information contains a typographical error, the political subdivision or appropriate fiscal body may request permission from the department to submit amended information to the department's computer gateway and (before January 1, 2015) to publish the amended information. However, such a request must occur not later than seven (7) days before the public hearing held

under subsection (a). Acknowledgment of the correction of an error shall be posted on the department's computer gateway and communicated by the political subdivision or appropriate fiscal body to the fiscal body of the county in which the political subdivision and appropriate fiscal body are located."

Delete pages 2 through 8.

Page 9, delete lines 1 through 36.

Renumber all SECTIONS consecutively.

(Reference is to SB 288 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 294, 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 16-42-19-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. **Except as provided in section 30 of this chapter**, a person may not do any of the following:

(1) Obtain or attempt to obtain a legend drug or procure or attempt to procure the administration of a legend drug by any of the following:

(A) Fraud, deceit, misrepresentation, or subterfuge.

(B) The forgery or alteration of a prescription, drug order, or written order.

(C) The concealment of a material fact.

(D) The use of a false name or the giving of a false address.

(2) Communicate information to a physician in an effort unlawfully to procure a legend drug or unlawfully to procure the administration of a legend drug. Such a communication is not considered a privileged communication.

(3) Intentionally make a false statement in a prescription, drug order, order, report, or record required by this chapter.

(4) For the purpose of obtaining a legend drug, falsely assume the title of or represent oneself to be a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other person.

(5) Make or utter a false or forged prescription or false drug order or forged written order.

(6) Affix a false or forged label to a package or receptacle containing legend drugs. This subdivision does not apply to law enforcement agencies or their representatives while engaged in enforcing this chapter.

(7) Dispense a legend drug except as provided in this chapter.

SECTION 2. IC 16-42-19-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) **Except**

**as provided in section 30 of this chapter**, a prescription or drug order for a legend drug is not valid unless the prescription or drug order is issued for a legitimate medical purpose by a practitioner acting in the usual course of the practitioner's business.

(b) A practitioner may not knowingly issue an invalid prescription or drug order for a legend drug.

(c) A pharmacist may not knowingly fill an invalid prescription or drug order for a legend drug."

Page 1, line 5, delete "person;" and insert "**person who is employed or retained as an investigator by a pharmaceutical manufacturer described in subdivision (3);**";

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"**(c) A pharmaceutical manufacturer that collects drug samples during an investigation described in subsection (a) shall:**

**(1) maintain records of the drug samples; and**

**(2) make these records available, at a reasonable time, to law enforcement agencies or the agencies' representatives in the enforcement of this chapter."**

Renumber all SECTIONS consecutively.

(Reference is to SB 294 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 297, 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 4, delete "sixty" and insert "**ninety**".

Page 1, line 5, delete "(60,000)" and insert "**(90,000)**".

Page 1, line 6, after "Indiana." insert "**The commission may issue a brewer's permit under this subsection for a brewery that manufactures not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana if the brewer holds more than one (1) brewer's permit and manufactures, at all of the brewer's breweries located in Indiana, an aggregate of more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.**"

Page 2, line 3, delete "sixty" and insert "**ninety**".

Page 2, line 4, delete "(60,000)" and insert "**(90,000)**".

Page 2, line 5, after "Indiana." insert "**The commission may issue more than one (1) permit under this subsection to a brewer if the brewer manufactures, at all of the brewer's breweries located in Indiana, an aggregate of not more than ninety thousand (90,000) barrels of beer in a calendar year for sale or distribution within Indiana.**"

Page 2, line 27, strike "brewer's brewery" and insert "**brewer**".

Page 2, line 27, after "manufactures" insert "**, at all of the brewer's breweries located in Indiana, an aggregate of**".



Page 2, line 28, delete "sixty" and insert "**ninety**".

Page 2, line 28, delete "(60,000)" and insert "**(90,000)**".

Page 2, line 31, after "deliver" insert "**a total of not more than thirty thousand (30,000) barrels of**".

Page 2, line 31, after "beer" insert "**in a calendar year**".

Page 2, line 32, after "title." insert "**The total number of barrels of beer that the permit holder may sell and deliver under this clause in a calendar year may not exceed thirty thousand (30,000) barrels of beer.**".

Page 3, line 21, delete "sixty" and insert "**ninety**".

Page 3, line 22, delete "(60,000)" and insert "**(90,000)**".

Page 3, line 26, delete "sixty" and insert "**ninety**".

Page 3, line 27, delete "(60,000)" and insert "**(90,000)**".

Page 4, line 5, strike "brewer" and insert "**brewery**".

Page 4, line 6, delete "sixty" and insert "**ninety**".

Page 4, line 6, delete "(60,000)" and insert "**(90,000)**".

Page 4, line 16, after "manufactures" insert "**at any one (1) brewery**".

Page 4, line 16, delete "sixty" and insert "**ninety**".

Page 4, line 16, delete "(60,000)" and insert "**(90,000)**".

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-27-5, AS ADDED BY P.L.109-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in section 7 of this chapter, an applicant for an artisan distiller's permit must meet all the following requirements to be eligible for an artisan distiller's permit:

(1) The permit applicant must hold one (1) of the following permits for the three (3) year period immediately preceding the date of the application:

(A) A farm winery permit under IC 7.1-3-12.

(B) A brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(C) A distiller's permit under IC 7.1-3-7.

(2) The permit applicant may not have more than one (1) violation of this title during the three (3) year period immediately preceding the date of the application.

(3) The permit applicant may not have any violation of this title during the twelve (12) month period immediately preceding the date of the permit application.

(b) As used in this subsection, "qualifying permit" means a farm winery, brewer's, or distiller's permit under subsection (a)(1)(A), (a)(1)(B), or (a)(1)(C) that is required in order to hold an artisan distiller's permit. The same persons must directly or indirectly own and control one hundred percent (100%) of the entity that holds the qualifying permit and the artisan distiller's permit.

SECTION 6. IC 7.1-3-27-6, AS AMENDED BY P.L.70-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A holder of an artisan distiller's permit may also hold one (1) of the following:

(1) A farm winery permit.

(2) A brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(3) A distiller's permit under IC 7.1-3-7.

(b) A holder of an artisan distiller's permit who also holds a permit described under subsection (a)(2) may hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant as described in IC 7.1-3-2-7(5)(C).

SECTION 7. IC 7.1-3-27-13, AS AMENDED BY P.L.159-2014, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) This section applies only to a person who:

(1) holds an artisan distiller's permit; and

(2) holds an interest in a brewer's permit ~~for a brewery described in IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(b) An artisan distiller may:

(1) serve samples of liquor that the artisan distiller manufactures; and

(2) sell bottles and cases of liquor that the artisan distiller manufactures;

on the licensed premises where the beer is manufactured only if the beer is manufactured on the same premises where the artisan distiller manufactures liquor.

(c) A person to whom this section applies who knowingly or intentionally violates this section commits a Class B misdemeanor."

Page 4, line 25, delete "sixty" and insert "**ninety**".

Page 4, line 26, delete "(60,000)" and insert "**(90,000)**".

Page 4, delete lines 35 through 40, begin a new paragraph and insert:

"SECTION 9. IC 7.1-4-4.1-16, AS AMENDED BY P.L.71-2012, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. The annual fee for a brewer's permit ~~for the manufacture of not more than thirty thousand (30,000) barrels of beer in a calendar year for sale or distribution within Indiana described in IC 7.1-3-2-2(b)~~ is five hundred dollars (\$500).

SECTION 10. IC 7.1-5-3-1, AS AMENDED BY P.L.159-2014, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This section does not apply to the following:

(1) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit ~~for a brewery described under IC 7.1-3-2-7(5): issued under IC 7.1-3-2-2(b).~~

(b) Except as provided in section 6 of this chapter, it is unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced.

(c) A person who knowingly or intentionally violates subsection (b) commits a Class B misdemeanor.

SECTION 11. IC 7.1-5-3-4, AS AMENDED BY P.L.159-2014, SECTION 29, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to the following:

- (1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.
- (2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit for a brewery described under ~~IC 7.1-3-2-7(5)~~; **issued under IC 7.1-3-2-2(b).**
- (3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade organization consisting of members, each of whom holds a brewer's permit for a brewery described under ~~IC 7.1-3-2-7(5)~~; **issued under IC 7.1-3-2-2(b).**
- (4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

- (1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or
- (2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage;

after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor."

Page 5, line 2, after "manufactures" insert "**at any one (1) brewery**".

Page 5, line 2, delete "sixty" and insert "**ninety**".

Page 5, line 2, delete "(60,000)" and insert "**(90,000)**".

Page 5, delete lines 8 through 23, begin a new paragraph and insert:

"SECTION 13. IC 7.1-5-9-6, AS AMENDED BY P.L.159-2014, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) It is unlawful for the holder of a distiller's, rectifier's, or liquor wholesaler's permit to have an interest in a beer permit of any type under this title. This section does not apply to the holder of an artisan distiller's permit that has an interest in a brewer's permit ~~under IC 7.1-3-2-7(5)~~; **issued under IC 7.1-3-2-2(b).**

(b) A person who knowingly or intentionally violates this section commits a Class B misdemeanor.

SECTION 14. IC 7.1-5-9-10, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Except as provided in subsection (b), it is unlawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in a manufacturer's or wholesaler's permit of any type.

(b) It is lawful for a holder of a retailer's permit of any type to acquire, hold, own, or possess an interest of any type in:

- (1) a brewer's permit for a brewery that manufactures not more than thirty thousand ~~(30,000)~~ barrels of beer in a calendar year for sale or distribution within Indiana; **issued under IC 7.1-3-2-2(b);** and
- (2) an artisan distiller's permit if the holder of the retailer's permit also holds a brewer's permit described in

subdivision (1).

(c) A person who knowingly or intentionally violates subsection (a) commits a Class B misdemeanor.

SECTION 15. IC 9-21-4-5, AS AMENDED BY P.L.94-2008, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the office of tourism development, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways.

All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that:

- (1) is a trademarked destination brand; and
- (2) encompasses buildings, structures, sites, or other facilities that are:

(A) listed on the National Register of Historic Places established under 16 U.S.C. 470 et seq.; or

(B) listed on the register of Indiana historic sites and historic structures established under IC 14-21-1;

regardless of the distance of the tourist attraction from the highway on which the tourist attraction signage is placed.

(d) Criteria established under subsection (b) for tourist attraction signage must include a category for a tourist attraction that is an establishment ~~licensed under IC 7.1-3-2-7(5)~~; **issued a brewer's permit under IC 7.1-3-2-2(b).**

(e) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(f) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs."

Renumber all SECTIONS consecutively.

(Reference is to SB 297 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal

Policy, to which was referred Senate Bill 317, 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 6-3-1-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 36. As used in this article, "eligible community foundation" means an organization that:**

- (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
- (2) satisfies the public support test of Section 170(b)(1)(A)(vi) of the Internal Revenue Code;
- (3) is an autonomous, nonsectarian philanthropic institution with permanent, component funds established by many separate donors;
- (4) is accredited under national standards for United States Community Foundations established by the Community Foundations National Standards Board; and
- (5) supports a broad range of charitable activities within a specific geographic area in Indiana.

**The term includes an affiliate fund of an eligible community foundation.**

(Reference is to SB 317 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 321, 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. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "municipality" means a city or town.

(c) The general assembly urges the legislative council to assign to a study committee during the 2015 legislative interim the following topics:

- (1) Municipalities contracting out services to public or private service providers.
- (2) Disposal of municipal property.

(d) The study committee's study shall include the following:

- (1) Consideration of the purchasing procedures municipalities should use in contracting out different

types of services, including competitive bidding, request for proposals, or negotiated bidding.

(2) Consideration of statutory requirements or restrictions regarding the method of letting service contracts, circumstances in which service contracts may be let, or the types of services that may be contracted for by the municipality.

(3) Consideration of the procedures municipalities should use in disposing of municipal real and personal property through sale, transfer, gift, or other method, and of any statutory requirements or restrictions regarding the method of disposal.

(e) If a study committee is assigned the topic described in subsection (c), 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 321 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 325, 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 4, delete "may not give an alcoholic beverage as" and insert "**that gives an alcoholic beverage as a prize at an allowable event shall comply with IC 7.1-3-6.1.**"

Page 1, delete lines 5 through 6, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-1-13 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 13:~~ A person may make a payment to the commission:

- (1) in cash;
- (2) by a valid postal money order of the United States;
- (3) by certified check;
- (4) by cashier's check;
- (5) by check drawn on the bank deposit of a business;
- (6) by bank draft;
- (7) by money order;
- (8) by credit card, debit card, charge card, or similar method; or
- (9) if approved by the commission, by an electronic funds transfer (as defined in IC 4-8.1-2-7).

However, payment made by one (1) of the methods listed in subdivisions (3) through (6) must be of or drawn upon a solvent bank or trust company. However, if a payment is made by bank

draft, check, cashier's check, or money order, the liability is not finally discharged and the person has not paid the obligation until the draft, check, or money order has been honored by the institution on which it is drawn. If the payment is made by credit card, debit card, charge card, or similar method, the liability is not finally discharged and the person has not paid the liability until the commission receives payment or credit from the institution responsible for making the payment or credit. The commission may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the commission or charged directly to the commission's account, the commission or credit card vendor may collect from the person using the bank or credit card a fee. The fee is a permitted additional charge under ~~IC 24-4.5-3-202.~~

SECTION 3. IC 7.1-3-1-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.5. (a) As used in this section, "credit card" means a:**

- (1) credit card;
- (2) debit card;
- (3) charge card; or
- (4) stored value card.

**(b) The commission shall accept a payment to the commission for any purpose by any of the following financial instruments:**

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Any other financial instrument authorized by the commission.

**(c) If there is a charge to the commission for the use of a financial instrument, the commission may collect a sum equal to the amount of the charge from the person who uses the financial instrument.**

**(d) A procedure authorized for a particular type of payment must be uniformly applied to all payments of the same type.**

**(e) The commission may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the commission or charged directly to the commission's account, the commission may collect from the person using the card:**

- (1) an official fee that may not exceed the transaction charge or discount fee charged to the commission by bank or credit card vendors; or
- (2) a reasonable convenience fee:
  - (A) that may not exceed three dollars (\$3); and
  - (B) that must be uniform regardless of the bank card or credit card used.

The fees described in subdivisions (1) and (2) may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such fees. These fees are permitted additional charges under

**IC 24-4.5-3-202.**

**(f) The commission may pay any applicable bank card or credit card service charge associated with the use of a bank card or credit card under this section."**

Page 2, line 3, delete "special event permit,".

Page 2, line 6, delete "for" and insert "**for:**  
(A)".

Page 2, line 7, after "applies;" insert "**or**

**(B) a charity auction to which IC 7.1-3-6.2 applies;"**.

Page 2, line 8, delete "A beer wholesaler permittee may deliver".

Page 2, delete lines 9 through 10.

Page 2, line 11, delete "IC 7.1-3-6.2.".

Page 2, line 11, delete "sale or donation," and insert "sale, **donation to a qualified organization,"**.

Page 2, line 33, delete "special event permit, charity auction permit,".

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. Scope of Permit.** The holder of a temporary beer permit shall be entitled to purchase and receive beer on any day of the year, only from a person who holds a brewer's permit, a beer wholesaler's permit, or a beer dealer's permit at their respective places of business. A lawful supplier may sell and deliver beer to a temporary beer permit holder on any day of the year at his place of business. **Except as provided in IC 7.1-3-6.1-8 and IC 7.1-3-6.2-7,** the holder of a temporary beer permit shall be entitled to sell beer only for consumption on the licensed premises, and shall be subject to the same restrictions as apply to the sale of beer by the holder of a beer retailer's permit. **Except as provided in IC 7.1-3-6.1-8 and IC 7.1-3-6.2-7,** a temporary beer permittee shall not be entitled to sell at wholesale or for carry-out from the licensed premises."

Page 3, line 10, delete "As used in this chapter, "special event permit" means a" and insert "**A qualified organization that holds a license under IC 4-32.2-4 may give an alcoholic beverage as a prize at an allowable event without obtaining an alcoholic beverage permit under this title."**

Page 3, delete lines 11 through 20.

Page 3, line 21, delete "5." and insert "4.".

Page 3, line 24, delete "8" and insert "5".

Page 3, delete lines 27 through 33.

Page 3, line 34, delete "8." and insert "5.".

Page 4, line 4, delete "9." and insert "6.".

Page 4, line 24, delete "10." and insert "7.".

Page 4, between lines 26 and 27, begin a new paragraph and insert:

**"Sec. 8. An alcoholic beverage given away as a prize by a qualified organization at an allowable event under this chapter may be carried out in a closed and sealed container."**

Page 4, line 30, delete "Auction Permit" and insert "**Auctions"**.

Page 4, line 33, delete "that is issued a charity auction".

Page 4, line 34, delete "permit by the commission".

Page 4, line 36, delete "donated to the qualified organization by" and insert "**purchased from or received as a donation from**".

Page 5, line 1, delete "that is issued a charity auction".

Page 5, line 2, delete "permit by the commission".

Page 5, line 2, after "are" insert "**purchased by or**".

Page 5, line 26, delete "award" and insert "**give away an alcoholic beverage purchased at the auction.**".

Page 5, delete line 27.

Page 5, delete lines 33 through 42.

Page 6, line 1, delete "8." and insert "6".

Page 6, between lines 3 and 4, begin a new paragraph and insert:

**"Sec. 7. An alcoholic beverage purchased at a charity auction under this chapter may be carried out in a closed and sealed container."**

Page 6, line 22, after "applies" delete "." and insert "**or charity auction to which IC 7.1-3-6.2 applies.**".

Page 6, line 22, delete "A liquor wholesaler may donate, transport,".

Page 6, delete line 23.

Page 6, line 24, delete "a charity auction permit under IC 7.1-3-6.2".

Page 6, line 25, delete "donation," and insert "**donation to a qualified organization,**".

Page 6, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 8. IC 7.1-3-9.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **Scope of Permit.** The holder of a supplemental caterer's permit is entitled to purchase alcoholic beverages only from a permittee entitled to sell to him under this title. **Except as provided in IC 7.1-3-6.1-8 and IC 7.1-3-6.2-7,** the holder of a supplemental caterer's permit is entitled to sell alcoholic beverages only for on premise consumption at those locations approved by the commission and at times lawful under his retailers' permits. **Except as provided in IC 7.1-3-6.1-8 and IC 7.1-3-6.2-7,** the holder of a supplemental caterer's permit is not entitled to sell alcoholic beverages at wholesale, nor for carry-out or at-home delivery."

Page 7, line 2, delete "a special event permittee,".

Page 7, line 9, after "wine" insert "**or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery**".

Page 7, line 11, after "applies" delete "." and insert "**or a charity auction to which IC 7.1-3-6.2 applies.**".

Page 7, line 11, delete "A wine wholesaler may donate and deliver".

Page 7, delete lines 12 through 15.

Page 8, delete lines 3 through 22, begin a new paragraph and insert:

"SECTION 11. IC 7.1-3-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. **Scope of Permit.** The holder of a temporary wine permit shall be entitled to purchase and receive wine on any day of the year, only from a lawful supplier under this title at his place of business. A lawful supplier may sell and deliver wine to a temporary wine permit holder on any day of the year at his place of business. **Except as**

**provided in IC 7.1-3-6.1-8 and IC 7.1-3-6.2-7,** the holder of a temporary wine permit shall be entitled to sell wine only for consumption on the licensed premises, and shall be subject to the same restrictions as apply to the sale of beer by the holder of a temporary beer permit. **Except as provided in IC 7.1-3-6.1-8 and IC 7.1-3-6.2-7,** a temporary wine permittee shall not be entitled to sell at ~~wholesale~~ **wholesale** nor for carry-out from the licensed premises."

Page 10, line 22, delete "for which a permit has been issued to the" and insert "**to which IC 7.1-3-6.2 applies,**".

Page 10, line 23, delete "qualified organization under IC 7.1-3-6.2,".

Page 10, line 26, after "donated to" insert "**or purchased by**".

Page 11, line 12, delete "for which a permit has been issued to the" and insert "**to which IC 7.1-3-6.2 applies,**".

Page 11, line 13, delete "qualified organization under IC 7.1-3-6.2,".

Page 11, line 16, after "donated to" insert "**or purchased by**".

Renumber all SECTIONS consecutively.

(Reference is to SB 325 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 329, 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 9, Nays 2.

PATRICIA MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 330, 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 1, delete "REPEALED" and insert "AMENDED TO READ AS FOLLOWS".

Page 1, line 2, after "2015]" delete "." and insert ":".

Page 1, line 2, reset in roman "Sec. 2. (a) The persons involved shall negotiate the terms for".

Page 1, reset in roman lines 3 through 14.

Page 1, after line 14, begin a new paragraph and insert:

**"(d) Notwithstanding any other law, a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2015."**

Page 2, line 17, delete "'economic" and insert "'infrastructure" means the capital improvements that

comprise:

- (1) a sanitary sewer system or wastewater treatment facility;
- (2) a building and appurtenances;
- (3) a park or recreational facility;
- (4) a road, street, highway, or bridge; or
- (5) a water treatment, water storage, or water distribution facility.

(b) This section applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015. If a municipality annexes territory that contains infrastructure constructed or improved by the county, the annexing municipality shall assume and is responsible for paying all indebtedness of the county incurred in constructing or improving the infrastructure that is outstanding on the date the annexation is effective. The rights of a bondholder with respect to the indebtedness remains the same, although the powers, duties, agreements, and liabilities of the county have been transferred to the annexing municipality, and the annexing municipality is considered to have assumed all those powers, duties, agreements, and liabilities."

Page 2, delete lines 18 through 42.

Delete pages 3 through 5, begin a new paragraph and insert:

"SECTION 4. IC 36-4-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A municipality may not promote or collect signatures on an annexation petition that is filed under this section after June 30, 2015.

(a) (b) If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

- (1) signed by at least:
  - (A) fifty-one percent (51%) of:
    - (i) the owners of land in the territory sought to be annexed, in the case of a petition filed before July 1, 2015; or
    - (ii) in the territory sought to be annexed that is not exempt from property taxes under IC 6-1.1-10 or any other state law, in the case of a petition filed after June 30, 2015; or
  - (B) the owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes; and
- (2) requesting an ordinance annexing the area described in the petition.

(b) (c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(c) (d) Except as provided in section 5.1 of this chapter, if the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a), (b), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality

named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(d) (e) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

- (1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;
- (2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;
- (3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and
- (4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(e) (f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

SECTION 5. IC 36-4-3-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.1. (a) This section applies to an annexation in which Owners of land located outside but contiguous to a municipality may file a petition with the legislative body of the municipality:

- (1) requesting an ordinance annexing the area described in the petition; and
- (2) signed by:
  - (A) one hundred percent (100%) of the landowners that reside within the territory that is proposed to be annexed, in the case of a petition filed before July 1, 2015; and
  - (B) in the case of a petition filed after June 30, 2015, one hundred percent (100%) of the owners of land that is:
    - (i) located within the territory that is proposed to be annexed; and
    - (ii) not exempt from property taxes under IC 6-1.1-10 or any other state law.

(b) Sections 2.1 and 2.2 of this chapter do not apply to an annexation under this section.

(c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(d) The municipality may:

- (1) adopt an annexation ordinance annexing the territory; and
- (2) adopt a fiscal plan and establish a definite policy by resolution of the legislative body;

after the legislative body has held a public hearing on the proposed annexation.

(e) The municipality may introduce and hold the public

hearing on the annexation ordinance not later than thirty (30) days after the petition is filed with the legislative body. Notice of the public hearing may be published one (1) time in accordance with IC 5-3-1 at least twenty (20) days before the hearing. All interested parties must have the opportunity to testify at the hearing as to the proposed annexation.

(f) The municipality may adopt the annexation ordinance not earlier than fourteen (14) days after the public hearing under subsection (e).

(g) A landowner may withdraw the landowner's signature from the petition not more than thirteen (13) days after the municipality adopts the fiscal plan by providing written notice to the office of the clerk of the municipality. If a landowner withdraws the landowner's signature, the petition shall automatically be considered a voluntary petition that is filed with the legislative body under section 5 of this chapter, fourteen (14) days after the date the fiscal plan is adopted. All provisions applicable to a petition initiated under section 5 of this chapter apply to the petition.

(h) If the municipality does not adopt an annexation ordinance within sixty (60) days after the landowners file the petition with the legislative body, the landowners may file a duplicate petition with the circuit or superior court of a county in which the territory is located. The court shall determine whether the annexation shall take place as set forth in section 5 of this chapter.

~~(i) A remonstrance under section 11 of this chapter may not be filed. However, an appeal under section 15.5 of this chapter may be filed.~~

(j) In the absence of an appeal under section 15.5 of this chapter, an annexation ordinance adopted under this section takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing and recording of the ordinance under section 22 of this chapter."

Page 6, delete lines 5 through 6, begin a new paragraph and insert:

**"(b) This section applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015."**

Page 6, line 18, delete "sixty" and insert "seventy-five".

Page 6, line 18, delete "(60%)" and insert "(75%)".

Page 7, line 8, delete "is sufficient," and insert "has a sufficient number of signatures,".

Page 7, delete lines 22 through 42.

Delete page 8.

Page 9, delete lines 1 through 28, begin a new paragraph and insert:

"SECTION 7. IC 36-4-3-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.6. (a) **This section applies only to an annexation ordinance adopted after June 30, 2015.**

(b) A waiver or release of the right of remonstrance by a landowner or successor in title is void and may not be considered or counted as a valid signature on a petition in favor of annexation under section 5, 5.1, or 5.5 of this chapter.

(c) If with regard to a signature on a petition for annexation under section 5, 5.1, or 5.5 of this chapter:

(1) the validity of a signature is uncertain; and

(2) this section does not establish a standard to be applied in the case;

a reasonable doubt must be resolved in favor of the validity of the signature.

(d) Whenever the name of an individual, as printed or signed, contains a minor variation from the name of the individual as set forth in the relevant county records, the signature is considered valid.

(e) Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered valid.

(f) If the residence address or mailing address of an individual contains a substantial variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered invalid.

(g) If the signature of an individual does not substantially conform with the signature of the individual in relevant county records, the signature is considered invalid. In determining whether a signature substantially conforms with the signature in the relevant county records, consideration shall be given to whether that lack of conformity may reasonably be attributed to the age, disability, or impairment of the individual.

SECTION 7. IC 36-4-3-7, AS AMENDED BY P.L.113-2010, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) After an annexation ordinance is adopted, under section 3, 4, 5, or 5.1 of this chapter, ~~it~~ the ordinance must be published in the manner prescribed by IC 5-3-1.

(b) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. Except as provided in subsection ~~(b)~~; ~~(c)~~; or ~~(f)~~; (c), (d), or (e), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(c) The annexation ordinance takes effect as follows:

(1) This subdivision applies to an annexation under section 5 of this chapter. Except as provided in subsection (d) or (f), in the absence of an appeal under section 15.5 of this chapter, the annexation ordinance takes effect at least ninety (90) days after its publication and upon filing under section 22(a) of this chapter.

(2) This subdivision applies to an annexation under section 5.1 of this chapter. Except as provided in subsection (d) or (f), in the absence of an appeal under section 15.5 of this chapter, the ordinance takes effect not less than thirty (30) days after the adoption of the ordinance and upon the filing under section 22(a) of this chapter.

(3) This subdivision applies to an annexation under section 5.5 of this chapter. Except as provided in subsection (d) or (f), if the court's judgment under section 12 of this chapter, including any appeals under section 15.5 of this chapter, is in favor of the annexation, the annexation is effective upon the filing under section 22(a) of this chapter.

**(4) This subdivision applies to an annexation under section 7.1 of this chapter for which an annexation ordinance is adopted after June 30, 2015. Notwithstanding subsection (d), if the court's judgment under section 12 of this chapter, including any appeals under section 15.5 of this chapter, is in favor of the annexation, the annexation is effective upon the filing under section 22(a) of this chapter.**

~~(b)~~ **(d)** An ordinance described in subsection ~~(d)~~ or adopted under section 3, 4, 5, or 5.1 of this chapter **annexation** may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

~~(e)~~ **(e)** Subsections ~~(d)~~ **(f)** and ~~(e)~~ **(g)** apply to fire protection districts that are established after June 14, 1987.

~~(d)~~ **(f)** Except as provided in subsection ~~(b)~~; **(d)**, whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance, in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or in the absence of a hearing or an appeal under section 12 or 15.5 of this chapter (in the case of an annexation for which an annexation ordinance is adopted after June 30, 2015)**, takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

- (1) provide fire protection to that territory beginning on the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

~~(e)~~ **(g)** If the fire protection district from which a municipality annexes territory under subsection ~~(d)~~ **(f)** is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

~~(f)~~ This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30)

days after its publication and upon the filing required by section 22(a) of this chapter.

SECTION 8. IC 36-4-3-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. **(a) This subsection applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015.** Notwithstanding section ~~7(b)~~ **7(c)** of this chapter, an ordinance adopted under section 4 of this chapter takes effect immediately upon the expiration of the sixty (60) day remonstrance and appeal period under section 11 or 15.5 of this chapter and after the publication, filing, and recording required by section 22(a) of this chapter if ~~all of the following conditions are met: the conditions set forth in subsection (c) are met.~~

**(b) This subsection applies to an annexation for which an annexation ordinance is adopted after June 30, 2015. An annexation that meets the conditions set forth in subsection (c) takes effect as set forth in section 7(c) of this chapter.**

**(c) This section applies to an annexation that meets all of the following conditions:**

- (1) The annexed territory has no population.
- (2) Ninety percent (90%) of the total assessed value of the land for property tax purposes has one (1) owner.
- (3) The annexation is required to fulfill an economic development incentive package and to retain an industry through various local incentives, including urban enterprise zone benefits."

Page 9, line 29, delete "REPEALED" and insert "AMENDED TO READ AS FOLLOWS".

Page 9, line 30, after "2015]" delete "." and insert ":".

Page 9, line 30, reset in roman "Sec. 11. (a) Except as provided in".

Page 9, line 31, reset in roman "subsections (d) and (e), whenever territory is annexed by a".

Page 9, reset in roman lines 32 through 42.

Page 10, reset in roman lines 1 through 27.

Page 10, between lines 27 and 28, begin a new paragraph and insert:

**"(f) This section applies only to an annexation for which the annexation ordinance was adopted before July 1, 2015."**

Page 10, line 28, delete "REPEALED" and insert "AMENDED TO READ AS FOLLOWS".

Page 10, line 29, after "2015]" delete "." and insert ":".

Page 10, line 29, reset in roman "Sec. 11.5."

Page 10, line 29, after "11.5." insert "(a)".

Page 10, line 29, reset in roman "A landowner in an unincorporated area is not".

Page 10, reset in roman lines 30 through 37.

Page 10, between lines 37 and 38, begin a new paragraph and insert:

**"(b) Notwithstanding any other law, a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2015."**

Page 10, line 42, reset in roman "11".

Page 10, line 42, after "11" insert **"(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or"**.



Page 11, line 1, reset in roman "remonstrance".

Page 11, line 1, after "remonstrance" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or**".

Page 11, line 15, reset in roman "Except as provided in".

Page 11, line 16, delete "At" and insert "**subsection (e), at**".

Page 11, line 32, delete "one (1) of".

Page 11, line 33, delete ":".

Page 11, line 34, delete "(A)".

Page 11, run in lines 33 through 34.

Page 11, line 38, delete "; and" and insert ".".

Page 11, line 39, beginning with "(2)" begin a new line block indented.

Page 11, line 39, reset in roman "(2) That the territory sought to be annexed".

Page 11, line 39, delete "(B)".

Page 11, delete line 42.

Page 12, delete lines 1 through 2.

Page 12, line 36, reset in roman "(e)".

Page 12, line 36, after "(e)" insert "**This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015.**".

Page 12, line 36, reset in roman "At the hearing under section 12 of this chapter, the court shall do".

Page 12, reset in roman lines 37 through 42.

Page 13, reset in roman lines 1 through 24.

Page 13, line 25, reset in roman "(f)".

Page 13, line 25, after "(f)" insert "**This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015.**".

Page 13, line 25, reset in roman "The municipality under subsection (c)(2)(C) bears the burden of".

Page 13, reset in roman lines 26 through 36.

Page 14, line 21, delete "(e)" and insert "**(g)**".

Page 14, line 29, delete "(f)" and insert "**(h) This subsection applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015.**".

Page 15, line 22, reset in roman "11(c)".

Page 15, line 22, after "11(c)" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or**".

Page 15, line 34, reset in roman "11(c)".

Page 15, line 34, after "11(c)" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or**".

Page 16, line 4, reset in roman "11(c)".

Page 16, line 4, after "11(c)" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or**".

Page 16, line 6, reset in roman "11(c)".

Page 16, line 6, after "11(c)" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015) or**".

Page 16, line 18, delete "REPEALED" and insert "AMENDED TO READ AS FOLLOWS".

Page 16, line 19, after "2015]" delete "." and insert ":".

Page 16, line 19, reset in roman "Sec. 15.3. (a) As used in this

section, "prohibition against".

Page 16, reset in roman lines 20 through 42.

Page 17, reset in roman line 1.

Page 17, between lines 1 and 2, begin a new paragraph and insert:

**"(d) A settlement agreement executed after June 30, 2015, is void."**

Page 17, line 5, reset in roman "a remonstrance".

Page 17, line 5, after "remonstrance" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015)**".

Page 17, line 6, reset in roman "or".

Page 17, line 23, reset in roman "a remonstrance".

Page 17, line 23, after "remonstrance" insert "**(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2015)**".

Page 17, line 23, reset in roman "or".

Page 19, line 1, reset in roman "(c)".

Page 19, line 1, delete "The" and insert "**Before July 1, 2015, the**".

Page 19, line 1, reset in roman "contract must include, as part of the consideration running".

Page 19, reset in roman lines 2 through 6.

Page 19, line 7, reset in roman "against the annexation of the area served by the sewage".

Page 19, line 7, delete "works." and insert "**works, if the annexation ordinance is adopted before July 1, 2015.**".

Page 19, reset in roman lines 8 through 10.

Page 19, line 11, reset in roman "law as if this subsection had not been enacted."

Page 19, line 11, delete "For" and insert "**Except as provided in subsection (g), for**".

Page 19, line 11, reset in roman "contracts executed".

Page 19, reset in roman lines 12 through 30.

Page 19, after line 30, begin a new paragraph and insert:

**"(g) Notwithstanding any other law, a release of the right to remonstrate is effective and binding on a landowner or a successor in title to a party to the contract only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2015."**

Renumber all SECTIONS consecutively.

(Reference is to SB 330 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

HEAD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 16-18-2-287.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS**

FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 287.9. "Potential diagnosis", for purposes of IC 16-34, has the meaning set forth in IC 16-34-3-3.**

Page 1, line 13, delete "IC 16-34-3-3." and insert "IC 16-34-3-4."

Page 8, between lines 20 and 21, begin a new paragraph and insert:

**"Sec. 3. As used in this chapter, "potential diagnosis" refers to the presence of some risk factors that indicate that a health problem may occur."**

Page 8, line 21, delete "3." and insert "4."

Page 8, line 23, delete "4." and insert "5."

Page 8, line 32, delete "5." and insert "6."

Page 8, line 36, delete "for" and insert "**diagnosis of**".

Page 8, line 42, delete "for" and insert "**diagnosis of**".

Page 9, line 2, delete "6." and insert "7."

Page 9, line 6, delete "for" and insert "**diagnosis of**".

Page 9, line 12, delete "for" and insert "**diagnosis of**".

Page 9, line 15, delete "7." and insert "8."

Page 9, line 16, delete "commits a Level 5 felony."

Page 9, delete line 17.

Page 9, line 18, delete "person who violates this chapter".

Page 9, run in lines 16 through 18.

Page 9, line 21, delete "(c)" and insert "**(b)**".

Page 9, line 24, delete "8." and insert "9."

Page 9, delete lines 26 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 334 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 359, 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 1, after "equipment" insert "**propose to**".

Page 2, line 4, after "centers" delete "." and insert "**that are located in Indiana**".

Page 2, between lines 15 and 16, begin a new line block indented and insert:

**"(4) Other eligible equipment as determined by the Indiana economic development corporation."**

Page 2, delete lines 18 through 31, begin a new paragraph and insert:

**"(c) As used in this section, "exemption amount" means the amount of an exemption from state gross retail tax that is approved by the Indiana economic development corporation under subsection (d).**

**(d) An entity that proposes to purchase or lease enterprise information technology equipment and desires to be an eligible business under this section must file with the Indiana economic development corporation an application for**

**exemption from the state gross retail tax under this section. Upon receipt of an application under this subsection, the Indiana economic development corporation:**

**(1) shall review the application to determine if the applicant otherwise qualifies as an eligible business under this section; and**

**(2) may:**

**(A) approve the application for exemption;**

**(B) approve the application for exemption, but reduce the exemption amount allowable for the transaction; or**

**(C) deny the application for exemption.**

**The Indiana economic development corporation shall notify the applicant of its determination. In addition, if the Indiana economic development corporation approves the application for exemption under this section, it shall provide its determination to the department with certification of the exemption amount.**

**(e) A transaction involving enterprise information technology equipment is exempt from the state gross retail tax to the extent approved by the Indiana economic development corporation if the department has received, before the date of the transaction:**

**(1) a determination of the Indiana economic development corporation under subsection (d) that:**

**(A) the transaction is by an eligible business; and**

**(B) the application for exemption is approved; and**

**(2) a certification of the exemption amount for the transaction by the Indiana economic development corporation under subsection (d).**

**(f) The following limitations apply to approval by the Indiana economic development corporation of an application for exemption from the state gross retail tax under this section:**

**(1) Not more than four (4) applications may be approved by the Indiana economic development corporation.**

**(2) The Indiana economic development corporation may not approve an applicant for more than one (1) proposed transaction."**

Page 2, line 32, delete "(e)" and insert "**(g)**".

Page 2, line 37, delete "(f)" and insert "**(h)**".

Page 2, line 38, delete "2020." and insert "**2017**".

(Reference is to SB 359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 385, 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 3, between lines 30 and 31, begin a new line block indented and insert:

**"(18) The murder is committed in a building that is primarily used for religious worship."**

(Reference is to SB 385 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 7, Nays 2.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred Senate Bill 425, 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, begin a new paragraph and insert:

"SECTION 1. IC 27-2-23-4, AS ADDED BY P.L.90-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) As used in this chapter, "annuity" refers to an annuity contract issued in Indiana **after June 30, 2015.**

(b) The term does not include an annuity contract used to fund an employment based retirement plan, the sponsor or administrator of which directs the insurer that issues the annuity contract.

SECTION 2. IC 27-2-23-9, AS ADDED BY P.L.90-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) As used in this chapter, "policy" means a policy or certificate issued in Indiana **after June 30, 2015**, that provides the kind of insurance described in Class 1 of IC 27-1-5-1.

(b) The term does not include the following:

(1) A policy or certificate that provides a death benefit under:

(A) an employee benefit plan that is subject to the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.); or

(B) a federal employee benefit program.

(2) A policy or certificate that is used to fund a preneed funeral contract or prearrangement.

(3) A policy or certificate of credit life or accidental death insurance.

(4) A policy issued to a group policy owner for which the insurer does not provide record keeping services.

SECTION 3. IC 27-2-23-10.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.2. As used in this chapter, "retained asset account" refers to a retained asset account that is issued in Indiana after June 30, 2015.**

Page 2, delete lines 1 through 2.

Re-number all SECTIONS consecutively.

(Reference is to SB 425 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 8, Nays 2.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 436, 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 5, delete lines 34 through 42.

Page 6, delete lines 1 through 22.

Page 6, line 42, delete "or".

Page 7, line 3, after "guidelines;" insert "or

**(4) land devoted to the harvesting of hardwood timber;"**.

Page 7, line 4, after "use." insert "**Agricultural use for purposes of this section includes but is not limited to the uses included in the definition of "agricultural use" in IC 36-7-4-616(b), such as the production of livestock or livestock products, commercial aquaculture, equine or equine products, land designated as a conservation reserve plan, pastureland, poultry or poultry products, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, bees and apiary products, tobacco, other agricultural crops, general farming operation purposes, native lands, or land that lays fallow. Agricultural use may not be determined by the size of a parcel or size of a part of the parcel. This subsection does not affect the assessment of any real property assessed under IC 6-1.1-6 (assessment of certain forest lands), IC 6-1.1-6.2 (assessment of certain windbreaks), or IC 6-1.1-6.7 (assessment of filter strips).**".

Page 7, after line 42, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-4-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2015 (RETROACTIVE)]: **Sec. 43. (a) Except as otherwise provided, this section applies to the following:**

**(1) Real property assessed on the March 1, 2015, assessment date and assessment dates thereafter.**

**(2) Real property assessed on assessment dates preceding the March 1, 2015, assessment date, if an administrative appeal or judicial proceeding concerning the assessment is pending on March 1, 2015, regardless of whether a hearing or oral argument has been held in the administrative appeal or judicial proceeding.**

**(b) The valuation requirements in this section do not apply to property that is assessed as provided in any of the following:**

**(1) IC 6-1.1-4-39.**

**(2) IC 6-1.1-4-39.5.**

**(3) IC 6-1.1-4-40 and IC 6-1.1-4-41.**

**(4) IC 6-1.1-4-42.**

**(5) IC 6-1.1-8.5.**

**(6) IC 6-1.1-8.7.**

**(c) The valuation requirements in this section do not apply to the assessment of real property after the real property is sold in an arm's length sale transaction. An arm's length sale transaction does not include a transaction in which the original owner or the initial intended user of the real property, or both the original owner and the initial intended**

user, remain affiliated with the property as an owner of any percentage interest or as a tenant.

(d) As used in this section, "chain stores" means a group of similar establishments that:

- (1) have similar architecture, store design, and choice of product or service using standardized business methods and practices that are spread statewide, nationwide, or worldwide; and
- (2) have a central headquarters or are operated under franchise contracts.

(e) As used in this section, "sale-leaseback" means a transaction in which one (1) party sells a property to a buyer, and the buyer leases the property back to the seller.

(f) As used in this section, "special purpose property" means a property that meets the following conditions:

(1) The property has one (1) or more of the following characteristics:

- (A) A unique physical design that enhances the utility to the person for whom the structure is built, either the owner-occupant or tenant of the property.
- (B) Special construction materials that enhance the utility to the person for whom the structure is built, either the owner-occupant or tenant of the property.
- (C) A layout that enhances the utility to the person for whom the structure is built, either the owner-occupant or tenant of the property.

(2) The utility of the structure to the first owner-occupant or tenant is significantly higher than the utility that is passed on to the secondary market, because of the willingness of the first owner-occupant or tenant to incur the costs of land acquisition or improvement construction.

The term includes buildings of fifty thousand (50,000) square feet or more (commonly referred to as big box stores), fast food restaurant chain properties, national retail drugstores, movie theaters, home improvement chain stores, dining lounge chain properties, industrial properties, banks, fitness club properties, and chain stores.

(g) Under its authority to provide for a system of assessment and taxation characterized by uniformity, equality, and just valuation based on property wealth, the general assembly finds that the market value-in-use of special purpose properties and sale-leaseback properties shall be determined as provided in this section. The market value-in-use of special purpose properties and sale-leaseback properties is equal to the value derived from applying the cost approach. Land value used for purposes of this subsection is equal to the amount paid for the land, with the only adjustments being the annual adjustments under section 4.5 of this chapter. Improvement value used for purposes of this subsection is the cost of improvements as specified in the property owner's books and records, less depreciation, for federal tax purposes. Further evidence of the actual cost includes construction costs, including all direct and indirect expenses, such as costs of all improvements, management fees, site improvements, architect fees, labor, builder overhead, and similar costs. Upon written request, the owner or occupant of the property must provide information

concerning actual construction costs and federal tax schedules to the county assessor in order for the appeals process provided for in IC 6-1.1-15 to proceed.

SECTION 8. IC 6-1.1-10-16.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. (a) This section applies to a dwelling or other building that is situated in a special flood hazard area as designated by the Federal Emergency Management Agency in which the mandatory purchase of flood insurance applies.**

(b) The basement of a dwelling or other building described in subsection (a) is exempt from property taxation if:

- (1) the basement floor level has been elevated to mitigate the risk of flooding; and
- (2) as a result, the basement is rendered unusable as living space.

SECTION 9. IC 6-1.1-12-37, AS AMENDED BY P.L.166-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 37. (a) The following definitions apply throughout this section:**

(1) "Dwelling" means any of the following:

- (A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.
- (B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
- (C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(2) "Homestead" means an individual's principal place of residence:

- (A) that is located in Indiana;
- (B) that:

- (i) the individual owns;
- (ii) the individual is buying under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence **and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;**
- (iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or
- (iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and

(C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by

this section applies to property taxes first due and payable for an assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

- (1) the assessment date; or
- (2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

- (1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or
- (2) forty-five thousand dollars (\$45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

- (1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;
- (2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;
- (3) the names of:

- (A) the applicant and the applicant's spouse (if any):
  - (i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
  - (ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or

(B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

- (i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
- (ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or  
 (B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

- (i) The last five (5) digits of the individual's driver's license number.
- (ii) The last five (5) digits of the individual's state identification card number.
- (iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

- (1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or
- (2) is no longer eligible for a deduction under this section on another parcel of property because:
  - (A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or
  - (B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent

(1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance shall adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on March 1 in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on March 1 in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

(1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(2) The property is the principal place of residence of an individual.

(3) The property is owned by an entity that is not described

in subsection (a)(2)(B).

(4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.

(5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

(1) imposed for an assessment date in 2009; and

(2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

(1) a deck or patio;

(2) a gazebo; or

(3) another residential yard structure, as defined in rules adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

(1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.

(2) A statement made under penalty of perjury that the following are true:

(A) That the individual and the individual's spouse maintain separate principal places of residence.

(B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

(1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and

(2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

- (A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or
- (B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

- (A) the property on which the homestead is currently located was vacant land; or
- (B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

- (A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or
- (B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and

(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

- (A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and
- (B) cancels the deduction described in clause (A) for that property.

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this

chapter and IC 6-1.1-20.6. The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

- (1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and
- (2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

- (1) is serving on active duty in any branch of the armed forces of the United States;
- (2) was ordered to transfer to a location outside Indiana; and
- (3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. However, the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall

also be construed as a homestead for purposes of section 37.5 of this chapter."

Page 12, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 12. IC 6-1.1-18.5-22.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 22.3. (a) This section applies only to Brown County due to unique circumstances regarding the approval of budgets and the resulting property tax levies for various county funds in 2013 through 2014.**

**(b) If the county fiscal body adopts an ordinance before October 1, 2015, to impose a property tax levy in 2016 and in 2017 under this section, the department shall permit the county to impose the levy in each of those years. The property tax levy:**

- (1) is not subject to the maximum permissible ad valorem property tax levy limits otherwise applicable to the county under this chapter; and**
- (2) may not be considered in calculating the maximum permissible ad valorem property tax levy limits otherwise applicable to the county under this chapter.**

**(c) The amount of the property tax levy that may be imposed by the county each year under this section in 2016 and in 2017 is four hundred seventy-eight thousand one hundred fifteen dollars (\$478,115) in each of those years.**

**(d) The money received from a property tax levy under this section must be deposited in a separate fund. The money in the fund may be used by the county only to make transfers to the county funds that were affected in 2013 through 2014 by the unique circumstances regarding the approval of budgets and the resulting property tax levies, in the amounts determined to be appropriate by the department.**

**(e) This section expires June 30, 2020.**

SECTION 13. IC 6-1.1-18.5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 23. (a) This section applies to the following townships in Hancock County:**

- (1) Brown Township.**
- (2) Jackson Township.**
- (3) Blue River Township.**

**(b) The executive of a township listed in subsection (a) may, after approval by the fiscal body of the township, submit a petition to the department of local government finance requesting an increase in the maximum permissible ad valorem property tax levy for the township's general fund.**

**(c) If the executive of a township submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for the township's general fund for property taxes first due and payable after December 31, 2015, by an amount equal to the lesser of the following:**

- (1) Twenty-five thousand dollars (\$25,000).**
- (2) The sum of the following:**

**(A) The amount necessary to make the maximum permissible ad valorem property tax levy for the**

**township's general fund equal to the maximum permissible ad valorem property tax levy that would have applied to the township's general fund under section 3 of this chapter for property taxes first due and payable after December 31, 2015, if in each year, beginning in 2003 and ending in 2015, the township had imposed the maximum permissible ad valorem property tax levy for the township's general fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's general fund).**

**(B) The amount necessary to make the maximum permissible ad valorem property tax levy under section 3 of this chapter for the township's firefighting fund under IC 36-8-13 equal to the maximum permissible ad valorem property tax levy under section 3 of this chapter that would have applied to the township's firefighting fund for property taxes first due and payable after December 31, 2015, if in each year, beginning in 2003 and ending in 2015, the township had imposed the maximum permissible ad valorem property tax levy for the township's firefighting fund in each of those years (regardless of whether the township did impose the entire amount of the maximum permissible ad valorem property tax levy for the township's firefighting fund)."**

Renumber all SECTIONS consecutively.  
(Reference is to SB 436 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 446, 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 11.

Page 3, line 27, delete "after".

Page 3, line 28, delete "August 15, 2016,".

Page 3, line 28, after "corporation" insert "**as provided in subsection (i)**".

Page 3, line 38, after "." insert "**However, upon request of the school corporation to the state examiner, the state examiner may waive the requirement under this subdivision.**".

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

**"(i) The requirements under subsection (h) apply only to the following:**

**(1) After August 15, 2018, and before August 16, 2019, the requirements under subsection (h) apply to a school corporation that has an ADM (as defined in**



**IC 20-18-2-2) of greater than twenty-five thousand (25,000).**

**(2) After August 15, 2019, the requirements under subsection (h) apply to a school corporation that has an ADM (as defined in IC 20-18-2-2) of greater than fifteen thousand (15,000)."**

Page 4, line 23, delete "after" and insert "**a county or municipality as provided in subsection (d)**".

Page 4, delete line 24.

Page 4, line 26, delete "political subdivision" and insert "**county or municipality**".

Page 4, line 33, after "." insert "**However, upon request of the county or municipality, the state examiner may waive the requirement under this subdivision.**".

Page 4, line 35, delete "political subdivision" and insert "**county or municipality**".

Page 4, between lines 39 and 40, begin a new paragraph and insert:

**"(d) The requirements under subsection (c) apply only to the following:**

**(1) After June 30, 2016, and before July 1, 2018, the requirements under subsection (c) apply to:**

**(A) a county with a population greater than two hundred fifty thousand (250,000); and**

**(B) a municipality with a population greater than two hundred fifty thousand (250,000).**

**(2) After June 30, 2018, and before July 1, 2019, the requirements under subsection (c) apply to:**

**(A) a county with a population greater than one hundred seventy-five thousand (175,000); and**

**(B) a municipality with a population greater than one hundred thousand (100,000).**

**(3) After June 30, 2019, the requirements under subsection (c) apply to:**

**(A) a county with a population greater than one hundred thousand (100,000); and**

**(B) a municipality with a population greater than seventy-five thousand (75,000)."**

Page 10, delete lines 5 through 42.

Delete page 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 446 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred Senate Bill 447, 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 9, Nays 0.

HOLDMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 450, 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 6-1.1-24-3, AS AMENDED BY P.L.169-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by sections 2 and 2.2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in sections 2 and 2.2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(b) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by sections 2 and 2.2 of this chapter by certified mail, return receipt requested, to any mortgagee who annually requests, by certified mail, a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgment and order.

(c) The notices mailed under this section and the advertisement published under section 4(b) of this chapter are considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

**(d) For properties not sold at their initial tax sale, the county auditor may omit the descriptions of the tracts or items of real property specified in section 2(a)(1) and 2(a)(5) of this chapter for those properties when they come up for sale at subsequent tax sales if:**

**(1) the county auditor includes in the notice a statement that descriptions of those tracts or items of real property are available on the county government's Internet web site and the information may be obtained in printed form from the county auditor upon request; and**

**(2) the descriptions of those tracts or items of real property eligible for sale a second or subsequent time are made available on the county government Internet web site and in printed form from the county auditor upon request.**

(Reference is to SB 450 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HEAD, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 464, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "not".

Page 2, line 1, delete "." and insert "as follows:

**(1) If the daily dosage is not more than sixty (60) milligrams.**

**(2) If the daily dosage is more than sixty (60) milligrams, only if:**

**(A) prior authorization is obtained; and**

**(B) a determination of medical necessity has been shown by the provider."**

Page 7, line 5, delete "chapter,"substance" and insert "**chapter, "substance"**".

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 8. IC 11-12-3.8-4 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established in subsection (b):

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division of mental health and addiction. Money in the account shall be used to fund grants and vouchers under this chapter:

(c) The account consists of:

(1) appropriations made by the general assembly;

(2) grants; and

(3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund."

Page 12, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 12. IC 12-15-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) **The office shall provide coverage for treatment of opioid or alcohol dependence that includes the following:**

**(1) Counseling services that address the psychological and behavioral aspects of addiction.**

**(2) When medically indicated, drug treatment involving agents approved by the federal Food and Drug Administration for the:**

**(A) treatment of opioid or alcohol dependence; or**

**(B) prevention of relapse to opioids or alcohol after**

**detoxification.**

**(b) The office shall:**

**(1) develop quality measures to ensure; and**

**(2) require a Medicaid managed care organization to report;**

**compliance with the coverage required under subsection (a).**

**(c) The office may implement quality capitation withholding of reimbursement to ensure that a Medicaid managed care organization has provided the coverage required under subsection (a).**

**(d) The office shall report the clinical use of the medications covered under this section to the mental health Medicaid quality advisory committee established by IC 12-15-35-51. The mental health Medicaid quality advisory committee may make recommendations to the office concerning this section."**

Delete pages 13 through 16.

Page 17, delete lines 1 through 3.

Page 17, line 6, delete "not".

Page 17, line 8, delete "." and insert "**only as follows:**

**(1) If the daily dosage is not more than sixty (60) milligrams.**

**(2) If the daily dosage is more than sixty (60) milligrams, only if:**

**(A) prior authorization is obtained; and**

**(B) a determination of medical necessity has been shown by the provider."**

Page 17, line 9, delete "not".

Page 17, line 11, delete "." and insert "**only as follows:**

**(1) If the daily dosage is not more than sixty (60) milligrams.**

**(2) If the daily dosage is more than sixty (60) milligrams, only if:**

**(A) prior authorization is obtained; and**

**(B) a determination of medical necessity has been shown."**

Page 18, line 29, delete "." and insert ";

**and that meets the requirements of this section."**

Page 18, line 37, after "if" insert "**the division determines as described in subsection (e) that there is a need for a new opioid treatment program in the proposed location and"**.

Page 19, between lines 10 and 11, begin a new paragraph and insert:

**"(e) The division shall adopt rules under IC 4-22-2 setting forth the manner in which the division will determine whether there is a need for a new opioid treatment program in a proposed program location's geographic area."**

Page 20, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 18. IC 12-23-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 19. Mental Health and Addiction Forensic Treatment Services Grants**

**Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice**

system as a felon or with a prior felony conviction or who have been placed or are eligible to be placed in a community corrections program as an alternative to commitment to the department of correction. The term includes:

- (1) mental health and substance abuse treatment, including:
  - (A) addiction counseling;
  - (B) inpatient detoxification; and
  - (C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;
- (2) vocational services;
- (3) housing assistance;
- (4) community support services;
- (5) care coordination; and
- (6) transportation assistance.

**Sec. 2. (a)** An individual is eligible for mental health and addiction forensic treatment services if:

- (1) the individual:
  - (A) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;
  - (B) is a resident of Indiana;
  - (C) is at least eighteen (18) years of age; and
  - (D) has entered the criminal justice system as a felon or with a prior felony conviction; and
- (2) subject to subsection (b), reimbursement for the service is not available to the individual through any of the following:
  - (A) A policy of accident and sickness insurance (IC 27-8-5).
  - (B) A health maintenance organization contract (IC 27-13).
  - (C) The Medicaid program (IC 12-15).
  - (D) The federal Medicare program or any other federal assistance program.

(b) If an individual is not entitled to reimbursement from the sources described in subsection (a)(2) of the full amount of the cost of the mental health forensic treatment services, grants and vouchers under this chapter may be used to provide those services to the extent that the costs of those services exceed the reimbursement the individual is entitled to receive from the sources described in subsection (a)(2), excluding any copayment or deductible that the individual is required to pay.

(c) The division shall determine the extent to which an individual who is provided mental health forensic treatment services under this chapter is entitled to receive reimbursement from the sources described in subsection (a)(2).

**Sec. 3.** Mental health and addiction forensic treatment services may be administered or coordinated only by a provider certified by the division of mental health and addiction.

**Sec. 4. (a)** As used in this section, "account" refers to the mental health and addiction forensic treatment services account established by subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants or vouchers for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division. The division may use money in the account only to fund grants and vouchers under this chapter that are provided to the following:

- (1) Community corrections programs.
  - (2) Court administered programs.
  - (3) Probation programs.
  - (4) Community mental health centers.
  - (5) Certified mental health or addiction providers.
- (c) The account consists of:
- (1) appropriations made by the general assembly;
  - (2) grants; and
  - (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

**Sec. 5.** In the case of an individual who is provided mental health forensic treatment services under this chapter, the division is subrogated to the rights of the individual under any policy, contract, or program described in section 2(a)(2) of this chapter with respect to reimbursement under the policy, contract, or program for mental health forensic treatment services.

**Sec. 6.** The division shall survey individuals receiving mental health forensic treatment services under this chapter. The division shall survey such an individual one (1) year after the individual begins receiving the services. The survey must request information concerning:

- (1) the employment status of the individual since the individual began receiving the services; and
- (2) whether the individual has been arrested, convicted of a crime, alleged to have violated probation, or placed in a community corrections program as an alternative to commitment to the department of correction since the individual began receiving the services.

**Sec. 7.** During the year after an individual begins receiving mental health forensic treatment services under this chapter, the division shall work jointly with the department of workforce development to coordinate employment and training services for the individual."

Page 20, line 22, delete "not".

Page 20, line 24, delete "." and insert "only as follows:

- (1) If the daily dosage is not more than sixty (60) milligrams.
- (2) If the daily dosage is more than sixty (60) milligrams, only if:
  - (A) prior authorization is obtained; and
  - (B) a determination of medical necessity has been shown by the provider."

Page 20, line 30, delete "not".

Page 20, line 32, delete "." and insert **"only as follows:**

**(1) If the daily dosage is not more than sixty (60) milligrams.**

**(2) If the daily dosage is more than sixty (60) milligrams, only if:**

**(A) prior authorization is obtained; and**

**(B) a determination of medical necessity has been shown by the provider."**

Renumber all SECTIONS consecutively.

(Reference is to SB 464 as printed February 6, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 470, 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 education.

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

"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of studying issues related to the development by the state board of education of acceptable tests from which all schools may select a test that meets the requirements of IC 20-32.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report to the legislative council on the topic in an electronic format under IC 5-14-6 not later than November 1, 2015.

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

Delete page 2.

(Reference is to SB 470 as printed February 13, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 3.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill 481, 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 local government.

Page 1, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE JULY 1, 2015] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "committee" refers to:

(1) the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8); or

(2) another interim study committee having subject matter jurisdiction relating to the topic described in subsection (c), as determined by the legislative council."

Page 1, line 5, delete "Sec. 1. This chapter applies only to", begin a new paragraph and insert:

"(c) The legislative council is urged to assign to a committee during the 2015 legislative interim the topic of the maintenance of".

Page 1, line 5, delete "a".

Page 1, line 6, delete "subdivision that is" and insert "subdivisions that are".

Page 1, delete lines 7 through 16, begin a new paragraph and insert:

"(d) If the topic described in subsection (c) is assigned to a committee, the committee shall consider the following as part of its study:

(1) The responsibility for performing maintenance on a stormwater drain with respect to which the developer of the subdivision in which the stormwater drain is located has transferred the developer's interest in the stormwater drain to the county in which the stormwater drain is located.

(2) The responsibility for the costs associated with stormwater drain maintenance described in subdivision (1).

(e) If the topic described in subsection (c) is assigned to a committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific issues described in subsection (d), in an electronic format under IC 5-14-6 not later than November 1, 2015.

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

Delete pages 2 through 3.

(Reference is to SB 481 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 484, 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 19, line 22, delete "homeland security" and insert "**state revenue**".

Page 19, line 23, delete "established under IC 10-19-2-1".

Page 19, line 34, delete "homeland security" and insert "**state revenue**".

Page 20, line 13, delete "homeland security" and insert "**state revenue**".

(Reference is to SB 484 as printed February 13, 2015.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 488, 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 7, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-5-27, AS AMENDED BY P.L.226-2014(ts), SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. (a) **This section does not apply to dyed special fuel (as defined in IC 6-6-2.5-22).** Except as provided in subsection (b), transactions involving tangible personal property and services are exempt from the state gross retail tax, if:

(1) the person acquiring the property or service directly uses or consumes it in providing public transportation for persons or property; or

(2) **the tangible personal property is special fuel (as defined in IC 6-6-2.5-22) that is subject to the special fuel tax under IC 6-6-2.5.**

(b) Except as provided in subsection (c), a transaction involving a natural gas product (as defined by IC 6-6-2.5-16.5) acquired:

(1) after December 31, 2013, and before January 1, 2017; and

(2) to fuel a motor vehicle used in providing public transportation for persons or property;

is not exempt from the state gross retail tax.

(c) Subsection (b) does not apply to transactions involving a natural gas product purchased by a public transportation corporation to fuel a motor vehicle used to provide public transportation for persons."

Page 3, delete lines 15 through 42.

Page 4, delete lines 1 through 28, begin a new paragraph and insert:

"SECTION 6. IC 6-2.5-10-1, AS AMENDED BY P.L.205-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections in the following manner:

(1) ~~Ninety-eight and eight~~ **Ninety-nine and three** hundred

forty-eight thousandths percent (~~98.848%~~) **(99.348%)** of the collections shall be paid into the state general fund.

(2) **Five-tenths of** one percent (~~1%~~) **(0.5%)** of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.

(3) Twenty-nine thousandths of one percent (0.029%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(4) One hundred twenty-three thousandths of one percent (0.123%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 7. IC 6-6-2.5-1.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.7. As used in this chapter, "biodiesel manufacturing plant" means a facility that is located in Indiana and is used for the production of biodiesel.**

SECTION 8. IC 6-6-2.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. As used in this chapter, "received" means the removal from any refinery or terminal in Indiana, **including a biodiesel manufacturing plant**, or the entry into Indiana of any special fuel for consumption, use, sale, or warehousing, except for transfers in bulk into or within a terminal in Indiana between registered suppliers. The tax imposed under section 28 of this chapter with respect to special fuel removed from terminals within Indiana and with respect to special fuel which is the subject of a tax pre-collection agreement pursuant to section 35(j) of this chapter, shall be imposed at the same time and in the same manner as the tax imposed by Sections 4081 to 4083 of the Internal Revenue Code. The definitions of the terms "removal", "entry", and "transfers in bulk" shall have the same meanings described in the Internal Revenue Code or Code of Federal Regulations.

SECTION 9. IC 6-6-2.5-20.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 20.5. As used in this chapter, "refinery" has the meaning set forth in 26 CFR 48.4081-1. The term also includes a biodiesel manufacturing plant.**

SECTION 10. IC 6-6-2.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. As used in this chapter, "supplier" means a person that imports or acquires immediately upon import into Indiana special fuel by pipeline or marine vessel from within a state, territory, or possession of the United States into a terminal or that imports special fuel into Indiana from a foreign country, or that produces, manufactures, or refines special fuel within Indiana, **including a person that produces biodiesel or both biodiesel and blended biodiesel at a biodiesel manufacturing plant**, or that owns special fuel in the pipeline and terminal distribution system in Indiana, and is subject to the general taxing or police jurisdiction of Indiana, and in any case is also registered under Section 4101 of the Internal Revenue Code for transactions in taxable motor fuels in the bulk distribution system. A terminal operator shall not be considered a supplier merely because the terminal operator handles special fuel consigned to it within a terminal.

SECTION 11. IC 6-6-2.5-28, AS AMENDED BY

P.L.190-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 28. (a) A license tax of ~~sixteen twenty-seven cents (\$0.16)~~ **(\$0.27)** per:

- (1) gallon;
- (2) diesel gallon equivalent (as defined in IC 6-6-4.1-1(f)), in the case of a special fuel that is liquid natural gas; or
- (3) gasoline gallon equivalent (as defined in IC 6-6-4.1-1(g)), in the case of a special fuel that is compressed natural gas;

is imposed on all special fuel sold or used in producing or generating power for propelling motor vehicles except fuel used under section 30(a)(8) or 30.5 of this chapter. The tax shall be paid at those times, in the manner, and by those persons specified in this section and section 35 of this chapter.

(b) The department shall consider it a rebuttable presumption that all undyed or unmarked special fuel, or both, received in Indiana is to be sold for use in propelling motor vehicles.

(c) Except as provided in subsection (d), the tax imposed on special fuel by subsection (a) shall be measured by invoiced gallons (or diesel or gasoline gallon equivalents in the case of a special fuel described in subsection (a)(2) or (a)(3)) of nonexempt special fuel received by a licensed supplier in Indiana for sale or resale in Indiana or with respect to special fuel subject to a tax precollection agreement under section 35(d) of this chapter, such special fuel removed by a licensed supplier from a terminal outside of Indiana for sale for export or for export to Indiana and in any case shall generally be determined in the same manner as the tax imposed by Section 4081 of the Internal Revenue Code and Code of Federal Regulations.

(d) The tax imposed by subsection (a) on special fuel imported into Indiana, other than into a terminal, is imposed at the time the product is entered into Indiana and shall be measured by invoiced gallons received at a terminal or at a bulk plant.

(e) In computing the tax, all special fuel in process of transfer from tank steamers at boat terminal transfers and held in storage pending wholesale bulk distribution by land transportation, or in tanks and equipment used in receiving and storing special fuel from interstate pipelines pending wholesale bulk reshipment, shall not be subject to tax.

(f) The department shall consider it a rebuttable presumption that special fuel consumed in a motor vehicle plated for general highway use is subject to the tax imposed under this chapter. A person claiming exempt use of special fuel in such a vehicle must maintain adequate records as required by the department to document the vehicle's taxable and exempt use.

(g) A person that engages in blending fuel for taxable sale or use in Indiana is primarily liable for the collection and remittance of the tax imposed under subsection (a). The person shall remit the tax due in conjunction with the filing of a monthly report in the form prescribed by the department.

(h) A person that receives special fuel that has been blended for taxable sale or use in Indiana is secondarily liable to the state for the tax imposed under subsection (a).

(i) A person may not use special fuel on an Indiana public highway if the special fuel contains a sulfur content that exceeds five one-hundredths of one percent (0.05%). A person who knowingly:

(1) violates; or

(2) aids or abets another person to violate;

this subsection commits a Class A infraction. However, the violation is a Class A misdemeanor if the person has committed one (1) prior unrelated violation of this subsection, and a Level 6 felony if the person has committed more than one (1) unrelated violation of this subsection.

SECTION 12. IC 6-6-2.5-57.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 57.5. (a) Each person operating a biodiesel manufacturing plant in Indiana shall file monthly reports of operations within Indiana on forms prescribed by the department. The department may require the reporting of any information the department considers reasonably necessary.**

**(b) For purposes of reporting and determining tax liability under this chapter, every licensee shall maintain inventory records as required by the department.**

SECTION 13. IC 6-6-2.5-68 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 68. (a) The administrator shall transfer the next twenty-five million dollars (\$25,000,000) of the taxes that are collected under this chapter and received during a period beginning July 1 of a year and ending June 30 of the immediately succeeding year to the auditor of state for distribution in the following manner:

(1) Thirty percent (30%) to each of the counties, cities, and towns eligible to receive a distribution from the local road and street account under IC 8-14-2 and in the same proportion among the counties, cities, and towns as funds are distributed under IC 8-14-2-4.

(2) Thirty percent (30%) to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1.

(3) Forty percent (40%) to the Indiana department of transportation.

(b) The auditor of state shall hold all amounts of collections received from the administrator that are made during a particular month and shall distribute all of those amounts under subsection (a) on the fifth day of the immediately succeeding month.

(c) All amounts distributed under subsection (a) may only be used for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1.

**(d) The department shall deposit two and seventy-eight hundredths percent (2.78%) of the revenue collected under this chapter in the motor carrier regulation fund administered by the department. All remaining revenue collected under this chapter shall be used in the same manner as the revenue collected under IC 6-6-1.1. The administrator shall, after the transfers specified in subsection (a) and to the motor carrier regulation fund, deposit the remainder of the revenues collected under this chapter in the same manner that revenues are deposited under IC 6-6-1.1-802.**

SECTION 14. IC 6-6-4.1-4.5, AS AMENDED BY P.L.277-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.5. (a) A

surcharge tax is imposed on the consumption of motor fuel by a carrier in its operations on highways in Indiana. The rate of this surcharge tax is eleven cents (\$0.11) per

- (1) ~~gallon of gasoline or special fuel (other than natural gas or gallon of an alternative fuel commonly or commercially known or sold as butane or propane.~~
- (2) ~~diesel gallon equivalent of a special fuel that is liquid natural gas; or~~
- (3) ~~gasoline gallon equivalent of a special fuel that is compressed natural gas or an alternative fuel commonly or commercially known or sold as butane or propane.~~

The tax shall be paid quarterly by the carrier to the department on or before the last day of the month immediately following the quarter.

(b) The amount of motor fuel consumed by a carrier in its operations on highways in Indiana is the total amount of motor fuel consumed in its entire operations within and without Indiana, multiplied by a fraction. The numerator of the fraction is the total number of miles traveled on highways in Indiana, and the denominator of the fraction is the total number of miles traveled within and without Indiana.

(c) The amount of tax that a carrier shall pay for a particular quarter under this section equals the product of the tax rate in effect for that quarter, multiplied by the amount of motor fuel consumed by the carrier in its operation on highways in Indiana.

(d) Subject to section 4.8 of this chapter, a carrier is entitled to a proportional use credit against the tax imposed under this section for that portion of motor fuel used to propel equipment mounted on a motor vehicle having a common reservoir for locomotion on the highway and the operation of this equipment as determined by rule of the commissioner. An application for a proportional use credit under this subsection shall be filed on a quarterly basis on a form prescribed by the department.

SECTION 15. IC 8-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The auditor of state shall credit the state highway fund established under IC 8-23-9-54 monthly with ~~fifty-five~~ **sixty-five** percent ~~(55%)~~ **(65%)** of the money deposited in the highway, road and street fund.

(b) Funds allocated to the department under this chapter must be appropriated.

SECTION 16. IC 8-14-2-4, AS AMENDED BY P.L.182-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The auditor of state shall establish a special account to be called the "local road and street account" and credit this account monthly with ~~forty-five~~ **thirty-five** percent ~~(45%)~~ **(35%)** of the money deposited in the highway, road and street fund.

(b) The auditor shall distribute to units of local government money from this account each month. Before making any other distributions under this chapter, the auditor shall distribute E85 incentive payments to all political subdivisions entitled to a payment under section 8 of this chapter.

(c) After distributing E85 incentive payments required under section 8 of this chapter, the auditor of state shall allocate to each county the remaining money in this account on the basis of the ratio of each county's passenger car registrations to the total

passenger car registrations of the state. The auditor shall further determine the suballocation between the county and the cities within the county as follows:

(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account."

Renumber all SECTIONS consecutively.

(Reference is to SB 488 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 1.

HERSHMAN, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 489, 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 8, Nays 0.

HEAD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 507, 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 20, delete "defender" and insert "**defender, whether employed on a salaried or contractual basis,**".

Page 2, delete line 21.

Page 2, line 22, delete "this chapter".

(Reference is to SB 507 as printed February 13, 2015.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 509, 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 5, between lines 39 and 40, begin a new line block indented and insert:

**"(4) Award an additional amount in a recipient's final semester to a recipient graduating with a degree aligned to priority economic sectors as identified by the Indiana career council."**

Page 7, delete lines 28 through 42.

Delete pages 8 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 509 as printed February 13, 2015.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 515, 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 3, after "under" insert "**IC 7.1-3-20-16(d)**".

Page 1, line 4, delete "IC 7.1-3-20-16(g)." and insert "**IC 7.1-3-20-16(g), or IC 7.1-3-20-16(k)**".

Page 1, line 13, delete "commission" and insert "**applicant**".

Page 1, line 16, delete "commission and local board." and insert "**applicant**".

Page 2, line 42, delete "The" and insert "**Subject to section 16.1 of this chapter**, the".

Page 3, line 7, delete "A" and insert "**The ownership of a**".

Page 3, line 7, after "subsection" insert "**and the location for which the permit was issued**".

Page 3, line 8, after "transferred." insert "**The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is**

**not entitled to any refund or other compensation."**

Page 6, after line 2, begin a new paragraph and insert:

**"(k) The commission may issue not more than eight (8) new three-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be a proprietor, as owner or lessee, or both, of a restaurant located:**

**(1) within a motorsports investment district (as defined in IC 5-1-17.5-11); or**

**(2) not more than one thousand five hundred (1,500) feet from a motorsports investment district.**

**The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues eight (8) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed eight (8) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation."**

(Reference is to SB 515 as introduced.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 530, 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 1, delete "one percent (1%) of the population of the" and insert "**two hundred (200)**".

Page 2, delete line 2.

(Reference is to SB 530 as introduced.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 6, Nays 2.

HEAD, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 536, 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 7, Nays 6.

KENLEY, Chair

Report adopted.



## COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 539, 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 5, delete "7.1-7-2-6." and insert "7.1-7-2-7."

Page 2, line 12, delete "7.1-7-2-8." and insert "7.1-7-2-9."

Page 2, line 18, delete "7.1-7-2-16." and insert "7.1-7-2-17."

Page 2, line 26, delete "7.1-7-2-17." and insert "7.1-7-2-18."

Page 2, line 35, delete "7.1-7-2-18." and insert "7.1-7-2-19."

Page 3, line 1, delete "7.1-7-2-9);" and insert "7.1-7-2-10) that contains tobacco;"

Page 3, line 7, after "Applicability" insert "**and Purpose**".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

**"Sec. 2. The purpose of this article is, in the absence of federal regulations, to protect public health and safety by:**

**(1) ensuring the safety and security of e-liquid manufactured for sale in Indiana;**

**(2) ensuring that e-liquid manufactured or sold in Indiana conforms to appropriate standards of identity, strength, quality, and purity; and**

**(3) ensuring that e-liquid is not contaminated or adulterated by the inclusion of ingredients or other substances that might pose unreasonable threats to public health and safety."**

Page 3, line 13, delete "Sec. 2." and insert "Sec. 3."

Page 3, line 15, delete "Sec. 3." and insert "Sec. 4."

Page 3, line 40, delete "food processing facilities in the state where food is" and insert "**commercial kitchens in the state.**"

Page 3, delete line 41.

Page 3, after line 42, begin a new paragraph and insert:

**"Sec. 6. "Cooperative" means any group of people who join together to satisfy the requirements set forth in IC 7.1-7-4-6."**

Page 4, line 1, delete "Sec. 6." and insert "Sec. 7."

Page 4, line 3, delete "Sec. 7." and insert "Sec. 8."

Page 4, line 9, delete "Sec. 8." and insert "Sec. 9."

Page 4, line 12, delete "two (2)" and insert "**four (4)**".

Page 4, line 15, delete "Sec. 9." and insert "**Sec. 10.**"

Page 4, line 19, delete "two (2)" and insert "**four (4)**".

Page 4, line 21, delete "Sec. 10." and insert "**Sec. 11.**"

Page 4, line 28, delete "Sec. 11." and insert "**Sec. 12.**"

Page 4, line 30, delete "Sec. 12." and insert "**Sec. 13.**"

Page 4, line 34, delete "Sec. 13." and insert "**Sec. 14.**"

Page 4, delete lines 40 through 41, begin a new paragraph and insert:

**"Sec. 15. "Manufacturer" means a person or cooperative, located inside or outside Indiana, that is engaged in manufacturing e-liquid."**

Page 4, line 42, delete "Sec. 15." and insert "**Sec. 16.**"

Page 5, line 2, delete "Sec. 16." and insert "**Sec. 17.**"

Page 5, line 4, delete "Sec. 17." and insert "**Sec. 18.**"

Page 5, line 7, delete "Sec. 18." and insert "**Sec. 19.**"

Page 5, line 10, delete "Sec. 19." and insert "**Sec. 20.**"

Page 5, delete lines 17 through 23, begin a new paragraph and

insert:

**"Sec. 21. "Security firm" means an entity that:**

**(1) is independent from an applicant and manufacturer;**

**(2) has experience in the security business; and**

**(3) as of July 1, 2015:**

**(A) meets the qualifications under IC 7.1-7-4-1(d)(3);**

**(B) is a locksmith; and**

**(C) provides services necessary to ensure the safety and security of e-liquid manufactured for sale in Indiana."**

Page 5, line 24, delete "Sec. 21." and insert "**Sec. 22.**"

Page 5, line 35, delete "permits and charge fees." and insert "**permits.**"

Page 5, between lines 35 and 36, begin a new line block indented and insert:

**"(3) To charge fees to cover the costs of administering this article. The fees charged under this subdivision may not exceed the actual costs incurred by the commission."**

Page 5, line 36, delete "(3)" and insert "**(4)**".

Page 5, line 37, delete "(4)" and insert "**(5)**".

Page 5, line 40, delete "(5)" and insert "**(6)**".

Page 6, line 2, delete "(6)" and insert "**(7)**".

Page 6, delete lines 25 through 30, begin a new line block indented and insert:

**"(2) A service agreement that:**

**(A) the applicant has entered into with a security firm;**

**(B) is valid for a period of five (5) years after the date of the permit application;**

**(C) provides for the security firm to provide service and support to meet the security requirements established by this article;**

**(D) requires the security firm to certify that the manufacturer meets all requirements set forth in IC 7.1-7-4-6(10) through IC 7.1-7-4-6(15); and**

**(E) is renewable for the entire length of time that the applicant holds a permit issued by the commission."**

Page 7, line 30, delete "five" and insert "**one**".

Page 7, line 31, delete "\$5,000." and insert "**(\$1,000)**".

Page 8, between lines 10 and 11, begin a new line block indented and insert:

**"(7) Certification by the security firm with which the manufacturer has a security agreement that the manufacturer meets all requirements set forth in IC 7.1-7-4-6(10) through IC 7.1-7-4-6(15)."**

Page 8, line 11, delete "(7)" and insert "**(8)**".

Page 8, line 14, delete "(8)" and insert "**(9)**".

Page 8, delete lines 20 through 21, begin a new line block indented and insert:

**"(10) A nonrefundable renewal application fee of five hundred dollars (\$500)."**

Page 8, line 22, delete "(10)" and insert "**(11)**".

Page 9, line 10, delete "proscribed" and insert "**prescribed**".

Page 9, line 22, delete "manufacturer's security firm shall install" and insert "**manufacturer shall have**".

Page 9, line 30, delete "with remote viewing".

Page 9, line 31, delete "capability in areas".

Page 10, delete lines 3 through 4, begin a new line block indented and insert:

**"(17) The manufacturer may:**

**(A) own and control both the e-liquid manufacturing process and the bottling process; or**

**(B) subcontract with another manufacturer for the performance of the e-liquid manufacturing service, the bottling services, or both services.**

**However, both the manufacturer performing a service under clause (B) and the manufacturer for which the service is performed must meet the requirements of this chapter."**

Page 10, line 7, delete "moral turpitude or".

Page 11, line 13, delete "IC 7.1-7.5-1;" and insert **"IC 7.1-7-4;"**.

(Reference is to SB 539 as printed February 3, 2015.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 546, 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 9, Nays 2.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 551, 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 to amend the Indiana Code concerning public safety.

Page 2, delete lines 4 through 10.

Page 2, line 11, delete "4." and insert "3."

(Reference is to SB 551 as printed January 30, 2015.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 566, 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 4, line 27, strike "2014,".

Page 4, line 27, delete "the" and insert **"The"**.

Page 4, line 28, after "standards" insert ".".

Page 4, line 28, strike "voiding the previously".

Page 4, line 29, strike "adopted set of educational standards."

Page 5, line 17, after "." insert **"The state board may not adopt Common Core (Common Core State Standards Initiative) or delegate to any higher authority the responsibility of setting academic standards."**

Page 6, delete lines 31 through 32 and insert **"recommend Common Core (Common Core State Standards Initiative) or delegate to any higher authority the responsibility of recommending academic standards."**

Page 39, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 32. IC 20-28-7.5-1, AS AMENDED BY P.L.286-2013, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:

(1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;

(2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or

(3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.

(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1.5(b) may be considered.

(e) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

(1) Immorality.

(2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.

(3) Justifiable decrease in the number of teaching positions.

(4) Incompetence, including receiving:

(A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or

(B) an ineffective designation or improvement necessary rating in three (3) years of any five (5) year period.

(5) Neglect of duty.

(6) A conviction for an offense listed in IC 20-28-5-8(c).

(7) Other good or just cause.

**(f) A principal may decline to continue or cancel the contract only of a teacher who is supervised by the principal.**

SECTION 33. IC 20-28-8-3, AS AMENDED BY P.L.253-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Before March 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an **employee attorney acting** at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before March 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body."

Page 40, line 30, delete "shall" and insert "may".

Page 44, between lines 16 and 17, begin a new paragraph and insert:

**"(d) In developing a performance evaluation model, a school corporation shall consider the following:**

- (1) Test scores of students (both formative and summative).**
- (2) Classroom presentation observations.**
- (3) Observation of student-teacher interaction.**
- (4) Knowledge of subject matter.**
- (5) Dedication and effectiveness of the teacher through time and effort on task.**
- (6) Contributions of teachers through group teacher interactivity in fulfilling the school improvement plan.**
- (7) Cooperation of the teacher with supervisors and peers.**
- (8) Extracurricular contributions of the teacher.**
- (9) Outside performance evaluations.**
- (10) Compliance with school corporation rules and procedures.**
- (11) Other items considered important by the school corporation in developing each student to their maximum intellectual potential and performance.**

**The state board and the department may recommend additional factors, but may not require additional factors unless directed to do so by the general assembly."**

Page 44, line 17, delete "(d)" and insert "(e)".

Page 44, line 22, after "." insert **"Before explaining the plan to the governing body, the superintendent of the school corporation shall discuss the plan with teachers or the teachers' representative, if there is one. This discussion is not subject to the open door law (IC 5-14-1.5). The plan is not subject to bargaining, but a discussion of the plan must be held."**

Page 44, line 23, delete "(e)" and insert "(f)".

Page 45, between lines 8 and 9, begin a new paragraph and insert:

**"SECTION 41. IC 20-28-11.5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS**

**FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. A plan for performance evaluations under this chapter may be discussed, but is not subject to bargaining. Selection of a performance evaluation model is at the discretion of the school corporation, but the developed plan must be reported to the department and the Indiana education employment relations board in a timely manner, as established by the department. The department may review the plan for efficacy and the Indiana education employment relations board may review the plan for legality, and both may comment to the school corporation. The department shall annually present to the state board of education plans selected by the school corporations. The state board may recommend model plans to school corporations, but shall not mandate any plan."**

Page 45, line 17, after "." insert **"Before presentation to the governing body, the superintendent of the school corporation shall discuss the report of completed evaluations with the teachers. This discussion is not subject to the open door law (IC 5-14-1.5). The report of completed evaluations is not subject to bargaining, but a discussion of the report must be held."**

Page 47, delete lines 29 through 36, begin a new paragraph and insert:

**"SECTION 43. IC 20-29-3-11, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The board has the following powers:**

- (1) To adopt an official seal and prescribe the purposes for which the seal may be used.
- (2) To hold hearings and make inquiries as the board considers necessary to carry out properly the board's functions and powers.
- (3) To establish a principal office in Indianapolis.
- (4) To meet and exercise the board's powers at any other place in Indiana.
- (5) To conduct in any part of Indiana a proceeding, a hearing, an investigation, an inquiry, or an election necessary to the performance of the board's functions. For this purpose, the board may designate one (1) member, or an agent or agents, as hearing examiners. The board may use voluntary and uncompensated services as needed.
- (6) To appoint staff and attorneys as the board finds necessary for the proper performance of its duties. The attorneys appointed under this section may, at the direction of the board, appear for and represent the board in court.
- (7) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.
- (8) To subpoena witnesses and issue subpoenas requiring the production of books, papers, records, and documents that may be needed as evidence in any matter under inquiry, and to administer oaths and affirmations. In cases of neglect or refusal to obey a subpoena issued to a person, the circuit or superior court of the county in which the investigations or the public hearings are taking place, upon application by the board, shall issue an order requiring the person to:

- (A) appear before the board; and
- (B) produce evidence about the matter under investigation.

A failure to obey the order may be punished by the court as a contempt. A subpoena, notice of hearing, or other process of the board issued under this chapter shall be served in the manner prescribed by the Indiana Rules of Trial Procedure.

(9) To adopt, amend, or rescind rules the board considers necessary and administratively feasible to carry out this chapter under IC 4-22-2.

(10) To request from any public agency the assistance, services, and data that will enable the board properly to carry out the board's functions and powers.

(11) To publish and report in full an opinion in every case decided by the board.

**(12) To review a collective bargaining agreement as provided in section 15 of this chapter."**

Page 47, line 39, after "The" insert "**Indiana education employment relations**".

Page 47, line 40, delete "provide for a factfinder to".

Page 48, line 4, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 7, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 12, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 13, delete "factfinder," and insert "**Indiana education employment relations board,**".

Page 48, line 13, after "the" insert "**Indiana education employment relations**".

Page 48, line 22, delete "factfinder's" and insert "**Indiana education employment relations board's**".

Page 48, line 24, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 25, delete "factfinder's" and insert "**Indiana education employment relations board's**".

Page 48, line 31, delete "factfinder" and insert "**Indiana education employment relations board**".

Page 48, line 34, after "The" insert "**Indiana education employment relations**".

Page 48, line 34, delete "factfinder" and insert "**member of the Indiana education employment relations board ad hoc panel**".

Page 48, line 37, delete "by the factfinder." and insert "**by the Indiana education employment relations board.**".

Page 48, line 37, after "The" delete "factfinder" and insert "**member of the Indiana education employment relations board ad hoc panel**".

Page 48, line 39, delete "factfinding must" and insert "**review must**".

Page 48, line 39, after "the" delete "factfinding" and insert "**review**".

Page 48, line 39, strike "the factfinding".

Page 49, line 1, delete "Costs for the".

Page 49, delete lines 2 through 3.

Page 60, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 64. IC 20-31-8-3, AS AMENDED BY P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

**(b) This subsection applies only to a school with a low student population when compared to the average size of the student population at all schools in Indiana. An earned letter grade on the "A" through "F" grading scale shall be given for all schools, including schools with a low student population to which this subsection applies. A school to which this subsection applies may appeal a designation under subsection (a) to the state board based on the insufficient size of the test group needed to determine an accurate result for each grade completing the assessment."**

Page 70, line 10, after "If the" insert ":

**(1)**".

Page 70, line 23, delete "." and insert "; and

**(2) total amount to be distributed as performance grants for a particular state fiscal year is less than the amount appropriated by the general assembly for performance grants for that state fiscal year, the total amount to be distributed as performance grants to school corporations for that particular state fiscal year shall be proportionately increased so that the total amount to be distributed equals the amount of the appropriation for that particular state fiscal year."**

Page 70, line 23, beginning with "The" begin a new line blocked left.

Page 70, line 25, after "pay" insert "**a one-time**".

Page 70, line 26, after "highly effective" delete "." and insert "**and employed by the school corporation as of December 1.**".

Page 70, line 39, after "teacher" delete "." and insert "**and may differentiate between school buildings.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 566 as printed February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 2.

KENLEY, Chair

Report adopted.

## REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on February 19, 2015, to render an advisory opinion with regard to Senator Houchin's request that the Committee consider whether or not she has a conflict of interest pertaining to Senate Bill 90 which would require her to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman Eckerty, Senator Walker, Senator Arnold, Senator Breaux and Senator Lanane.

The Senate Committee on Ethics has considered the facts

presented by Senator Houchin and hereby recommends that Senator Houchin be excused from participation in all votes pertaining to Senate Bill 90 because of her potential conflict of interest with regard to the legislation. The vote of the Committee was 5-0.

ECKERTY, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 16

Senate Concurrent Resolution 16, introduced by Senators Glick, Long, Brown, Holdman, Kruse, and Banks, A.:

A CONCURRENT RESOLUTION honoring the 50th Anniversary celebration for the founding of Indiana University-Purdue University Fort Wayne.

*Whereas, Indiana University-Purdue University Fort Wayne first opened its doors on September 17, 1964;*

*Whereas, Recognizing the great need to serve the growing number of students from Allen County and neighboring counties, Indiana University and Purdue University united two Fort Wayne extension operations to lead higher education in the area;*

*Whereas, In 1970, IPFW students proudly became the Mastodons and the school's enrollment and physical campus grew substantially;*

*Whereas, In an effort to make higher education more accessible, IPFW has continued to open doors to learning through its affordable tuition, scholarship programs, and distance learning;*

*Whereas, IPFW has provided increased opportunities to countless students who would not otherwise have access to higher education;*

*Whereas, IPFW has established itself as a strong civic and community partner to the northeast Indiana region and achieved a Carnegie Classification for Community Engagement;*

*Whereas, Serving approximately 10,000 degree-seeking students, IPFW offers over 200 academic programs, including 12 associate degrees, 82 bachelor's degrees, and 37 master's degrees;*

*Whereas, There are more than 55,000 IPFW alumni across the globe, including leaders in business, education, government, sports, and entertainment;*

*Whereas, IPFW consistently receives national recognition for civic and community engagement; and*

*Whereas, After consistently contributing to the community for the past 50 years, IPFW looks forward to continuing to educate the citizens of northeast Indiana and beyond for the next 50 years: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the 50th Anniversary celebration for the founding of Indiana University-Purdue University Fort Wayne.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to IPFW Chancellor Vicky Carwein and all members of her administration.

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

## SENATE MOTION

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

HCR 24 Senator Arnold

Memorializing Robert "Bear" Falls.

LONG

Motion prevailed.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 24

House Concurrent Resolution 24, sponsored by Senators Arnold and Tallian:

A CONCURRENT RESOLUTION memorializing Robert "Bear" Falls.

*Whereas, The life of Robert "Bear" Falls came to an end on Saturday, January 24, 2015, at the age of 63;*

*Whereas, Bear leaves behind a host of faithful family members and friends;*

*Whereas, A standout athlete at Elston High School who went on to play running back for Illinois State, Bear Falls never lost his love for home;*

*Whereas, As an athlete at Elston High School, Bear was named to the all-state football team, and was the first player in Illinois State history to play both offensive and defensive halfback, breaking school records in pass receiving;*

*Whereas, After graduation, Bear returned to his hometown where he began his career as a teacher of Physical Education, Health, and Driver's Education at Elston High School, his alma mater, in Michigan City;*

*Whereas, During his 20 years at Elston, Bear was an assistant coach at the freshman, junior varsity, and varsity levels for both football and basketball;*

*Whereas, Bear began his coaching career under Elston High School's Dan Steinke, staying all 18 seasons Steinke coached the Red Devils;*

*Whereas, Bear Falls was named the first head basketball coach for Michigan City High School in 1995, a position he held until 2001;*

*Whereas, Under his guidance, the Wolves went 81-42 and never had a losing season;*

*Whereas, Bear led the team to a Duneland Conference championship in 1997-1998 and three second-place finishes;*

*Whereas, Bear Falls is the winningest coach at Michigan City since the consolidation;*

*Whereas, Bear Falls retired as Athletic Director for the Michigan City Area Schools in June 2014, a post he held since 2005;*

*Whereas, In addition to his duties at the Michigan City schools, Bear was active on the community athletic scene, serving on the Indiana High School Athletic Association Board of Directors and Executive Committee (2007-2009), and was a strong supporter of youth sports by coaching and officiating at community leagues and tournaments for both softball and basketball;*

*Whereas, A fixture within the Michigan City school system for 40 years, Bear Falls impacted students and athletes throughout Northwest Indiana, earning several state honors as an educator, coach, and athletic director; and*

*Whereas, Robert "Bear" Falls touched so many in the community positively throughout his career as a teacher, coach, and athletic director, stressing academics, character, and discipline while shaping the lives of our youth: Therefore,*

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

SECTION 1. That the Indiana General Assembly wishes to express the great feeling of loss we all experienced with the passing of Robert "Bear" Falls. He was an outstanding athlete, coach, and administrator, but he was an even better father, husband, and friend.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to his wife, Tonya, and daughter, Robyn.

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

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1003, 1004, 1005, 1008, 1010, 1062, 1182, 1192, 1248, 1283, 1298, 1303, 1304, 1333, 1372, 1397, 1401, 1452, 1453, 1541, 1616, and 1636 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### SENATE MOTION

Madam President: I move that Engrossed Senate Bill 388, which is eligible for third reading, be returned to second for the purposes of amendment.

HERSHMAN

Motion prevailed.

#### JOINT RESOLUTIONS ON SECOND READING

##### Senate Joint Resolution 12

Senator Steele called up Senate Joint Resolution 12 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

#### SENATE BILLS ON SECOND READING

##### Senate Bill 31

Senator Zakas called up Senate Bill 31 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

##### Senate Bill 72

Senator Buck called up Senate Bill 72 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I have received a request from Senator Mark Messmer to be excused from the remainder of session for Thursday, February 19, 2015 due to an unavoidable conflict and that request was hereby granted. He shall be excused from all Senate action occurring after Senate Bill 72 on the Senate Calendar. An appropriate entry shall be made in the Senate Journal.

LONG

Report adopted.

#### SENATE BILLS ON SECOND READING

##### Senate Bill 80

Senator Yoder called up Senate Bill 80 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 98**

Senator Tomes called up Senate Bill 98 for second reading. The bill was re-read a second time by title.

SENATE MOTION  
(Amendment 98-1)

Madam President: I move that Senate Bill 98 be amended to read as follows:

Page 2, delete lines 19 through 27.

Re-number all SECTIONS consecutively.

(Reference is to SB 98 as printed February 13, 2015.)

STEELE

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 109**

Senator Pete Miller called up Senate Bill 109 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 128**

Senator Holdman called up Senate Bill 128 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 296**

Senator Buck called up Senate Bill 296 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 355**

Senator Steele called up Senate Bill 355 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 373**

Senator Head called up Senate Bill 373 for second reading. The bill was re-read a second time by title.

SENATE MOTION  
(Amendment 373-6)

Madam President: I move that Senate Bill 373 be amended to read as follows:

Page 11, line 1, delete "secretary of state" and insert "**attorney general**".

Page 11, line 5, delete "department's" and insert "**attorney general's**".

Page 11, line 7, delete "secretary of state" and insert "**attorney general**".

(Reference is to SB 373 as reprinted February 18, 2015.)

HEAD

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 380**

Senator Stoops called up Senate Bill 380 for second reading.

The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 411**

Senator Merritt called up Senate Bill 411 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 463**

Senator Patricia Miller called up Senate Bill 463 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 466**

Senator Pete Miller called up Senate Bill 466 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 498**

Senator Delph called up Senate Bill 498 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 516**

Senator Charbonneau called up Senate Bill 516 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## RESOLUTIONS ON FIRST READING

**House Concurrent Resolution 26**

House Concurrent Resolution 26, sponsored by Senators Lanane, Randolph, Taylor, Steele, and Rogers:

A CONCURRENT RESOLUTION to honor and welcome the Midwest Region of the National Black Law Students Association as it hosts its annual regional convention in Indianapolis in February, 2015.

*Whereas, The National Black Law Students Association (NBLSA) was founded in 1968 to serve as a resource for minority law students throughout the United States and, with over 6,000 members, serves as the largest student-run organization in the United States;*

*Whereas, The Midwest Region of the National Black Law Students Association (MWBLSA), serving as the largest geographical region of NBLSA, is comprised of 52 chapters from law schools in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin;*

*Whereas, The Midwest Region will hold its annual regional convention in Indianapolis on February 18 through February 22, 2015, with corporate sponsors dedicating resources in this*

*spectacular convention, including the Indiana Pacers, Eli Lilly and Co., Faegre Baker Daniels LLP, Taft Stettinius & Hollister LLP, and Squire Patton Boggs;*

*Whereas, The 2014-2015 Midwest Regional Board has demonstrated its commitment to enriching the lives of not only law students, but also the community where it resides. This commitment has been demonstrated in, but is not limited to, the following examples: an annual academic retreat in September 2014 that brought practitioners in the legal field together with students to enhance negotiation, advocacy, and transactional skills amongst other things; and collaborating with Protect Illinois Voting Rights in advocating for the safeguard in voting rights; and*

*Whereas, The Midwest Region has an executive board hailing from law schools all across the Midwest. Congratulations are extended to the following executive board members for an outstanding 2014-2015 term: Grace Akinlemibola, chair of the Midwest Black Law Students Association; Remington Jackson, vice-chair; Kendra Lee, Secretary; Briana Mayes, treasurer; Zachariah Oluwa Bankole, attorney general; Antoinette Wall, chief editor of the MWBLSA Law Journal; Jacqueline Newsome, chief-of-staff; Delante Thomas, sub-regional director I; Ronald Madlock, sub-regional director IV; Gerena Gregory, director of corporate relations; Dania Lofton, director of membership; Kejai McNeal, director of community service; Tobi Omoleye, director of alumni affairs; Shantel Thompson, director of education and career development; Georgeanna Bien-Aime, judicial advocacy specialist; and India Scarver, legislative advocacy specialist: Therefore,*

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

SECTION 1. That the members of the Indiana General Assembly applaud the Midwest Black Law Students Association for its commitment to scholarship, social change, the community, and for a spectacular 2015 regional convention in Indianapolis.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Grace Akinlemibola, Midwest Regional Chair, National Black Law Students Association.

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

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

### **Engrossed Senate Bill 56**

Senator Steele called up Engrossed Senate Bill 56 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

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

Roll Call 185: yeas 18, nays 31. The bill was declared defeated.

### **Engrossed Senate Bill 90**

Senator Steele called up Engrossed Senate Bill 90 for third reading:

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

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

Roll Call 186: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Richardson.

### **Engrossed Senate Bill 212**

Senator Patricia Miller called up Engrossed Senate Bill 212 for third reading:

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

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

Roll Call 187: yeas 49, 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 sponsors: Representatives Clere, T. Brown and C. Brown.

### **Engrossed Senate Bill 403**

Senator Lanane called up Engrossed Senate Bill 403 for third reading:

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

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

Roll Call 188: yeas 45, 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 Clere, C. Brown and Errington.

### **Engrossed Senate Bill 441**

Senator Hershman called up Engrossed Senate Bill 441 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 189: yeas 42, nays 7. 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 Huston.

### Engrossed Senate Bill 522

Senator Mrvan called up Engrossed Senate Bill 522 for third reading:

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

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

Roll Call 190: yeas 49, 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 Smaltz.

#### SENATE MOTION

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

WALKER

Motion prevailed.

#### SENATE MOTION

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

RANDOLPH

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 128.

HOLDMAN

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Patricia Miller be added as third author of Senate Bill 385.

HERSHMAN

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator M. Young be added as third author of Senate Bill 427.

NIEMEYER

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 466.

PETE MILLER

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senators Becker and Delph be added as coauthors of Senate Bill 99.

ZAKAS

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Merritt be added as third author and Senator Tallian be added as coauthor of Senate Bill 516.

CHARBONNEAU

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Alting be added as second author and Senator Lanane be added as third author of Senate Bill 515.

CHARBONNEAU

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Yoder be added as second author of Senate Joint Resolution 12.

STEELE

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 31.

ZAKAS

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Zakas be added as second author of Senate Bill 355.

STEELE

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as third author and Senator Rogers be added as coauthor of Senate Bill 551.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Grooms and Mrvan be added as coauthors of Senate Bill 294.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 93.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 427.

NIEMEYER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Senate Bill 330.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author and Senator Merritt be added as third author of Senate Bill 72.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author, Senator Messmer be added as third author, and Senators Ford and Lanane be added as coauthors of Senate Bill 297.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author and Senator Ford be added as third author of Senate Bill 6.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as second author of Senate Bill 421.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as coauthor of Engrossed Senate Bill 522.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 23, 2015.

LONG

Motion prevailed.

The Senate adjourned at 2:48 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate