



Journal of the Senate

State of Indiana

118th General Assembly

Second Regular Session

Thirteenth Meeting Day

Tuesday Afternoon

January 28, 2014

The Senate convened at 2:15 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor Jerry Deck, Zionsville Presbyterian Church.

The Pledge of Allegiance to the Flag was led by Senator Michael A. Delph.

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

Alting	Merritt
Arnold	Miller, Patricia
Banks	Miller, Pete
Becker	Mishler
Boots	Mrvan
Bray	Nugent
Breaux	Paul
Broden	Randolph
Buck	Rogers
Charbonneau	Schneider
Crider	Skinner
Delph	Smith
Eckerty	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Hume	Waltz
Kenley	Waterman
Kruse	Wyss
Lanane	Yoder
Landske <input type="checkbox"/>	Young, M.
Leising	Young, R.
Long	Zakas

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

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 11

Senate Concurrent Resolution 11, introduced by Senator Arnold:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to dedicate the State Road 35 overpass just south of US 30 in Hamlet to Frank Harry Ono.

Whereas, Frank Harry Ono, a second-generation Japanese-American, was born in Delta, Colorado and resided in Starke County, Indiana;

Whereas, Frank Harry Ono served two years in the United States Army from September 2, 1943 to August 23, 1945;

Whereas, Frank Harry Ono held the rank of Private First Class as part of the all-Nisei 442nd Regimental Combat Team;

Whereas, Frank Harry Ono, during a battle on July 4, 1944 near Castellina Italy, advanced ahead of his unit and single-handedly defended his position against an enemy counter-attack;

Whereas, Frank Harry Ono braved intense hostile fire to aid two wounded comrades;

Whereas, Frank Harry Ono voluntarily covered his unit's retreat by engaging an enemy machine gun and exchanging fire with snipers armed with machine pistols;

Whereas, Frank Harry Ono made himself the constant target of concentrated enemy fire until his unit reached safety, completely disregarding his own safety;

Whereas, Frank Harry Ono received the Distinguished Service Cross, the Army's second-highest decoration, for his heroic actions during the July 4, 1944 battle;

Whereas, Frank Harry Ono died on May 6, 1980, at Northern Indiana VA Medical Center in Fort Wayne at the age of 56; and

Whereas, President Bill Clinton awarded Frank Harry Ono the Medal of Honor posthumously on June 21, 2000, for his extraordinary heroism and devotion to duty: 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 contributions made by Frank Harry Ono to the community, state and country by urging the Indiana Department of Transportation to rename the State Road 35 overpass just South of US 30 in Hamlet in his honor.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Indiana Department of Transportation, Terry Ono, Jenelle Gappa, Harry Ono, Terry Ono, George Ono, Jennifer Cieboch, and Jeanette Oblith.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Joint Resolution 9, 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 7, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 80, 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 line 34, begin a new line block indented and insert:

"(3) Corrections and Criminal Code."

Page 5, line 35, delete "Courts." and insert "**Courts and the Judiciary.**"

Page 6, line 4, delete "Policy." and insert "**Policy and Military Affairs.**"

Page 6, line 37, delete "chairman of the".

Page 6, line 37, delete "add" and insert "**authorize the addition of**".

Page 6, line 39, delete "chairman of the".

Page 7, line 15, delete "(1) One" and insert "**(4) One**".

Page 7, between lines 19 and 20, begin a new paragraph and insert:

"(b) If the legislative council authorizes the appointment of lay members to a study committee, the legislative council may make the lay members appointed to the study committee voting members of the study committee."

Page 7, line 23, delete "committee" and insert "**committee**".

Page 9, line 10 delete "FOLLOW" and insert "FOLLOWS".

Page 63, line 19, after "interim" insert "**study**".

(Reference is to SB 80 as printed January 24, 2014.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 118, 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 39, after "The" insert "**fiscal officer of the unit establishing a**".

Page 3, line 39, strike "may appoint a treasurer who".

Page 3, line 40, strike "need not be a member" and insert "**is**

the treasurer".

Page 3, line 40, after "commission." strike "The".

Page 3, strike lines 41 through 42.

Page 4, line 1, strike "commission."

Page 4, line 4, strike "this".

Page 4, strike lines 5 through 8.

Page 4, line 9, strike "special taxing district." and insert "**state laws that apply to other funds and accounts administered by the fiscal officer.**".

Page 4, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 5. IC 36-7-14-10, AS AMENDED BY P.L.146-2008, SECTION 724, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A redevelopment commissioner or a nonvoting adviser appointed under section 6.1 of this chapter may not have a pecuniary interest in any contract, employment, purchase, or sale made under this chapter. However, any property required for redevelopment purposes in which a commissioner or nonvoting adviser has a pecuniary interest may be acquired, but only by gift or condemnation.

(b) If a redevelopment commissioner or a nonvoting adviser owns, directly or indirectly, more than a ten percent (10%) interest in a business entity, the redevelopment commissioner or the nonvoting adviser shall be treated as an owner of the business entity for purposes of determining whether a pecuniary interest exists for the redevelopment commissioner or the nonvoting adviser under this section.

(b) (c) A transaction made in violation of this section is void.

SECTION 6. IC 36-7-14-12.2, AS AMENDED BY P.L.221-2007, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.2. (a) The redevelopment commission may do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

- (A) Hazardous substances.
 - (B) Petroleum.
 - (C) Other pollutants.
- (6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:
- (A) Hazardous substances.
 - (B) Petroleum.
 - (C) Other pollutants.
- (7) Repair and maintain structures acquired for redevelopment purposes.
- (8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
- (9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of that land.
- (10) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:
- (A) real property acquired or being acquired for redevelopment purposes; or
 - (B) any area needing redevelopment within the jurisdiction of the commissioners.
- (11) Institute or defend in the name of the unit any civil action.
- (12) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.
- ~~(13) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by section 20 of this chapter.~~
- ~~(14)~~ (13) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.
- ~~(15)~~ (14) Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.
- ~~(16)~~ (15) Prescribe the duties and regulate the compensation of employees of the department of redevelopment.
- ~~(17)~~ (16) Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.
- ~~(18)~~ (17) Discharge and appoint successors to employees of the department of redevelopment subject to subdivision ~~(15)~~: (14).
- ~~(19)~~ (18) Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.
- ~~(20)~~ (19) Equip the offices of the department of redevelopment with the necessary furniture, furnishings, equipment, records, and supplies.

- ~~(21)~~ (20) Expend, on behalf of the special taxing district, all or any part of the money of the special taxing district.
- ~~(22)~~ (21) Contract for the construction of:
- (A) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or
 - (B) any structure that enhances development or economic development.
- ~~(23)~~ (22) Contract for the construction, extension, or improvement of pedestrian skyways.
- ~~(24)~~ (23) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.
- ~~(25)~~ (24) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units **in a multiple unit residential structure** within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.
- ~~(26)~~ (25) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:
- (A) provide financial assistance for the purposes described in subdivision ~~(25)~~; (24); or
 - (B) construct, rehabilitate, or repair commercial property within the district.
- ~~(27)~~ (26) Require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owner must be leased:
- (A) for a period to be determined by the commission, which may not be less than five (5) years;
 - (B) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and
 - (C) at an affordable rate.
- (b) Conditions imposed by the commission under subsection ~~(a)(27)~~ (a)(26) remain in force throughout the period determined under subsection ~~(a)(27)(A)~~; (a)(26)(A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.
- (c) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.
- (d) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes under IC 36-7-14.5. **However, if a power pertains to**

issuing bonds or incurring an obligation, the exercise of the power must first be specifically approved by the fiscal or legislative body of the unit, whichever applies.

(e) A commission may not exercise the power of eminent domain.

SECTION 7. IC 36-7-14-12.3, AS AMENDED BY P.L.221-2007, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.3. IC 5-16-7 applies to:

- (1) a person that enters into a contract with a redevelopment commission to perform construction work referred to in section 12.2(a)(4), 12.2(a)(7), **12.2(a)(21), or 12.2(a)(22) or ~~12.2(a)(23)~~** of this chapter; and
- (2) a subcontractor of a person described in subdivision (1);

with respect to the construction work referred to in subdivision (1).

SECTION 6. IC 36-7-14-12.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12.4. (a) Notwithstanding any other provision in this chapter, after June 30, 2014:**

- (1) a redevelopment commission;**
- (2) a department of redevelopment; or**
- (3) any other entity:**
 - (A) established by the commission or department;**
 - (B) controlled by the commission or a member of the commission regardless of any pecuniary interest the member may have; or**
 - (C) to which the commission or department has delegated any power to act or hold property under this chapter;**

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, a commission, department, or entity covered by this section may own property in the capacity of a land bank for a unit.

(b) After June 30, 2014, a project involving telecommunication equipment, such as fiber optic cabling and related equipment, may not be included as part of the assessed value and may not be financed using proceeds from an obligation under this chapter if the telecommunications services that would be provided are already being provided in the area."

Delete pages 5 through 6.

Page 7, delete lines 1 through 29.

Page 8, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 7. IC 36-7-14-15, AS AMENDED BY P.L.172-2011, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Whenever the redevelopment commission finds that:

- (1) an area in the territory under its jurisdiction is an area needing redevelopment;
- (2) the conditions described in IC 36-7-1-3 cannot be

corrected in the area by regulatory processes or the ordinary operations of private enterprise without resort to this chapter;

(3) the public health and welfare will be benefited by:

- (A) the acquisition and redevelopment of the area under this chapter as a redevelopment project area; or
- (B) the amendment of the resolution or plan, or both, for an existing redevelopment project area; and

(4) in the case of an amendment to the resolution or plan for an existing redevelopment project area:

- (A) the amendment is reasonable and appropriate when considered in relation to the original resolution or plan and the purposes of this chapter; and
- (B) the resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit;

the commission shall cause to be prepared the data described in subsection (b).

(b) After making a finding under subsection (a), the commission shall cause to be prepared:

- (1) maps and plats showing:
 - (A) the boundaries of the area in which property would be acquired for, or otherwise affected by, the establishment of a redevelopment project area; or the amendment of the resolution or plan for an existing area;
 - (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, indicating any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the redevelopment project area; or the amendment of the resolution or plan for an existing area; and
 - (C) the parts of the area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the redevelopment plan;
- (2) lists of the owners of the various parcels of property proposed to be acquired for, or otherwise affected by, the establishment of an area or the amendment of the resolution or plan for an existing area; and
- (3) an estimate of the costs, if any, to be incurred for the acquisition and redevelopment of property.

(c) This subsection applies to the initial establishment of a redevelopment project area. After completion of the data required by subsection (b), the redevelopment commission shall adopt a resolution declaring that:

- (1) the area needing redevelopment is a menace to the social and economic interest of the unit and its inhabitants;
- (2) it will be of public utility and benefit to acquire the area and redevelop it under this chapter; and
- (3) the area is designated as a redevelopment project area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area, and that the department of redevelopment proposes to acquire all of the interests in the land

within the boundaries, with certain designated exceptions, if there are any.

(d) This subsection applies to the amendment of the resolution or plan for an existing redevelopment project area. After completion of the data required by subsection (b), the redevelopment commission shall adopt a resolution declaring that:

- (1) it will be of public utility and benefit to amend the resolution or plan for the area; and
- (2) any additional area to be acquired under the amendment is designated as part of the existing redevelopment project area for purposes of this chapter.

The resolution must state the general boundaries of the redevelopment project area, including any changes made to those boundaries by the amendment, and describe the activities that the department of redevelopment is permitted to take under the amendment, with any designated exceptions. **The resolution and all supporting information shall be submitted to the legislative body of the unit establishing the redevelopment commission for approval. The legislative body must approve the additional area as part of the redevelopment project area for purposes of this chapter.**

(e) For the purpose of adopting a resolution under subsection (c), or (d), it is sufficient to describe the boundaries of the redevelopment project area by its location in relation to public ways or streams, or otherwise, as determined by the commissioners. Property excepted from the application of a resolution may be described by street numbers or location."

Page 10, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 8. IC 36-7-14-20 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 20: (a) Subject to the approval of the legislative body of the unit that established the department of redevelopment; if the redevelopment commission considers it necessary to acquire real property in a redevelopment project area by the exercise of the power of eminent domain; the commission shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the unit on behalf of the department of redevelopment; in the circuit or superior court of the county in which the property is situated:

(b) Eminent domain proceedings under this section are governed by IC 32-24 and other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired under this section; but property belonging to the state or any political subdivision may not be acquired without its consent.

(c) The court having jurisdiction shall direct the clerk of the circuit court to execute a deed conveying the title of real property acquired under this section to the unit for the use and benefit of its department of redevelopment."

Page 20, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 13. IC 36-7-14-32.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 32.5: (a) Subject to the approval of the fiscal body of the unit that established the department of redevelopment; the commission may acquire a parcel of real property by the exercise of eminent domain when

the real property has all of the following characteristics:

- (1) The real property meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).
- (2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.
- (3) The condition of the real property has a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or the commission's designated hearing examiner shall conduct a public meeting to determine whether a parcel of real property has the characteristics set forth in subsection (a). Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing and is entitled to present evidence and make arguments at the hearing:

(c) If the commission considers it necessary to acquire real property under this section; the commission shall adopt a resolution setting out the commission's determination to exercise that power and directing the commission's attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court with jurisdiction in the county:

(d) Eminent domain proceedings under this section are governed by IC 32-24:

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

- (1) Sale in an urban homestead program under IC 36-7-17 or IC 36-7-17.1.
- (2) Sale to a family whose income is at or below the county's median income for families.
- (3) Sale or grant to a neighborhood development corporation with a condition in the granting clause of the deed requiring the nonprofit development corporation to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the unit's median income for families.
- (4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the unit's median income for families.

(f) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation."

Page 22, line 1, after "adoption." insert "For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2014, whichever is later."

Page 29, strike lines 26 through 28.

Page 29, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. IC 36-7-14-46, AS ADDED BY P.L.154-2006, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 46. (a) Except

as provided in subsection (b). All the rights, powers, privileges, and immunities that may be exercised by the commission in blighted, deteriorated, or deteriorating areas may be exercised by the commission in implementing its program for housing, including the following:

- (1) The special tax levied in accordance with section 27 of this chapter may be used to accomplish the housing program.
- (2) Bonds may be issued under this chapter to accomplish the housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area except for refunding bonds or bonds issued in an amount necessary to complete a housing program for which bonds were previously issued.
- (3) Leases may be entered into under this chapter to accomplish the housing program.
- (4) The tax exemptions set forth in section 37 of this chapter are applicable.
- (5) Property taxes may be allocated under section 39 of this chapter.

~~(b) A commission may not exercise the power of eminent domain in implementing its program for housing.~~

SECTION 16. IC 36-7-14-48, AS AMENDED BY P.L.203-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

- (1) The construction, rehabilitation, or repair of residential units within the allocation area.
- (2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.
- (3) The acquisition of real property and interests in real property within the allocation area.
- (4) The demolition of real property within the allocation area.
- (5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.
- (6) The provision of financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).
- (7) For property taxes first due and payable before January

1, 2009, providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) (before its repeal) for that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) (before its repeal) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal) that under IC 6-1.1-22-9 are due and payable in a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this

chapter may only be used to do one (1) or more of the following:

- (1) Accomplish one (1) or more of the actions set forth in section 39(b)(3)(A) through 39(b)(3)(H) and 39(b)(3)(J) of this chapter for property that is residential in nature.
- (2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before July 15 of each year:

- (1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:
 - (A) make the distribution required under section 39(b)(2);
 - (B) make, when due, principal and interest payments on bonds described in section 39(b)(3) of this chapter;
 - (C) pay the amount necessary for other purposes described in section 39(b)(3) of this chapter; and
 - (D) reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).

- (2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, and the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area. The notice must:
 - (A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter; or
 - (B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

- (3) If:
 - (A) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (1); plus
 - (B) the amount necessary for other purposes described in subdivision (1);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the

respective taxing units in the manner prescribed in subdivision (2). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (2).

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-12-37) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) (before its repeal) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal)."

Page 30, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 17. IC 36-7-14.5-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 10.5. (a) A board member may not have a pecuniary interest in any contract, employment, purchase, or sale made under this chapter. However, any property required for redevelopment purposes in which a board member has a pecuniary interest may be acquired, but only by gift or condemnation.**

(b) If a board member owns, directly or indirectly, more than a ten percent (10%) interest in a business entity, the board member shall be treated as an owner of the business entity for purposes of determining whether a pecuniary interest exists for the board member under this section.

(c) A transaction made in violation of this section is void.

SECTION 13. IC 36-7-14.5-11, AS AMENDED BY P.L.1-2006, SECTION 566, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 11. (a)** The authority is organized for the following purposes:

- (1) Financing, constructing, and leasing local public improvements to the commission.
- (2) Financing and constructing additional improvements to local public improvements owned by the authority and leasing them to the commission.
- (3) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease and leasing these local public improvements back to the commission, with any additional improvements that may be made to them.
- (4) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the commission to make a savings in debt services obligations or lease rental obligations or to obtain relief from covenants that the commission considers to be unduly burdensome.
- (5) In a county having a United States government military base that is scheduled for closing or is completely or

partially inactive or closed and if specified in the ordinance creating the authority or in another ordinance adopted by the executive body of the unit, an authority may exercise any of the powers of a redevelopment commission established under IC 36-7-14, including the establishment, in accordance with IC 36-7-14, of one (1) or more economic development areas in the county in addition to an economic development area established under section 12.5 of this chapter. However, an economic development area that includes any part of a military base described in section 12.5(a) of this chapter is subject to the requirements of section 12.5 of this chapter. An action taken by an authority under this subdivision shall be treated as if the action were taken under the law granting the power to the redevelopment commission.

(b) Notwithstanding any other provision of this chapter, after June 30, 2014:

- (1) an authority; or**
- (2) any other entity:**
 - (A) established by the authority;**
 - (B) controlled by the authority; or**
 - (C) to which the authority has delegated any power to act or hold property under this chapter;**

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, an authority or entity covered by this section may own property in the capacity of a land bank for a unit.

(c) After June 30, 2014, a project involving telecommunication equipment, such as fiber optic cabling and related equipment, may not be included as part of the assessed value and may not be financed using proceeds from an obligation under this chapter if the telecommunications services that would be provided are already being provided in the area."

Page 34, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 24. IC 36-7-15.1-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.2. A redevelopment commission and a department of redevelopment are:

- (1) subject to audit by the state board of accounts under IC 5-11;**
- (2) covered by IC 5-14-1.5 (the public meetings law);**
- (3) covered by IC 5-14-3 (the public records law); and**
- (4) covered by IC 36-1-12 (the public works law).**

SECTION 25. IC 36-7-15.1-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.3. (a) Notwithstanding any other provision in this chapter, after June 30, 2014:

- (1) a redevelopment commission;**
- (2) a department of redevelopment; or**
- (3) any other entity:**

- (A) established by the commission or department;**
- (B) controlled by the commission or a member of the commission regardless of any pecuniary interest the member may have; or**
- (C) to which the commission or department has delegated any power to act or hold property under this chapter;**

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, a commission, department, or entity covered by this section may own property in the capacity of a land bank for a unit.

(b) After June 30, 2014, a project involving telecommunication equipment, such as fiber optic cabling and related equipment, may not be included as part of the assessed value and may not be financed using proceeds from an obligation under this chapter if the telecommunications services that would be provided are already being provided in the area.

SECTION 26. IC 36-7-15.1-5, AS AMENDED BY P.L.146-2008, SECTION 743, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) A member of the commission or a nonvoting adviser appointed under IC 36-7-4-207 may not have a pecuniary interest in any contract, employment, purchase, or sale made under this chapter. However, any property required for redevelopment purposes in which a member or nonvoting adviser has a pecuniary interest may be acquired but only by gift or condemnation.

(b) If a redevelopment commissioner or a nonvoting adviser owns, directly or indirectly, more than a ten percent (10%) interest in a business entity, the redevelopment commissioner or the nonvoting adviser shall be treated as an owner of the business entity for purposes of determining whether a pecuniary interest exists for the redevelopment commissioner or the nonvoting adviser under this section.

(c) A transaction made in violation of this section is void.

SECTION 27. IC 36-7-15.1-7, AS AMENDED BY P.L.146-2008, SECTION 744, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) In carrying out its duties and purposes under this chapter, the commission may do the following:

- (1) Acquire by purchase, exchange, gift, grant, lease, or condemnation, or any combination of methods, any real or personal property or interest in property needed for the redevelopment of areas needing redevelopment that are located within the redevelopment district.**
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, invest in, or otherwise dispose of, through any combination of methods, property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the city and its inhabitants.**
- (3) Acquire from and sell, lease, or grant interests in all or part of the real property acquired for redevelopment**

purposes to any other department of the city, or to any other governmental agency, for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes, on any terms that may be agreed upon.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(A) Hazardous substances.

(B) Petroleum.

(C) Other pollutants.

(7) Repair and maintain structures acquired or to be acquired for redevelopment purposes.

(8) Enter upon, survey, or examine any land, to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes, and determine the value of that land.

(9) Appear before any other department or agency of the city, or before any other governmental agency in respect to any matter affecting:

(A) real property acquired or being acquired for redevelopment purposes; or

(B) any area needing redevelopment within the jurisdiction of the commission.

(10) Subject to section 13 of this chapter, exercise the power of eminent domain in the name of the city, within the redevelopment district, in the manner prescribed by this chapter.

(11) Establish a uniform fee schedule whenever appropriate for the performance of governmental assistance, or for providing materials and supplies to private persons in project or program related activities.

(12) Expend, on behalf of the redevelopment district, all or any part of the money available for the purposes of this chapter.

(13) Contract for the construction, extension, or improvement of pedestrian skyways.

(14) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(15) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units **in a multiple unit residential structure** within the district. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(16) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(A) provide financial assistance for the purposes described in subdivision (15); or

(B) construct, rehabilitate, or repair commercial property within the district.

(17) Require as a condition of financial assistance to the owner of a ~~multiunit~~ **multiple unit** residential structure that any of the units leased by the owner must be leased:

(A) for a period to be determined by the commission, which may not be less than five (5) years;

(B) to families whose income does not exceed eighty percent (80%) of the county's median income for families; and

(C) at an affordable rate.

Conditions imposed by the commission under this subdivision remain in force throughout the period determined under clause (A), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(18) Provide programs in job training, job enrichment, and basic skill development for residents of an enterprise zone.

(19) Provide loans and grants for the purpose of stimulating business activity in an enterprise zone or providing employment for residents of an enterprise zone.

(20) Contract for the construction, extension, or improvement of:

(A) public ways, sidewalks, sewers, waterlines, parking facilities, park or recreational areas, or other local public improvements (as defined in IC 36-7-15.3-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the redevelopment district; or

(B) any structure that enhances development or economic development.

(b) In addition to its powers under subsection (a), the commission may plan and undertake, alone or in cooperation with other agencies, projects for the redevelopment of, rehabilitating, preventing the spread of, or eliminating slums or areas needing redevelopment, both residential and nonresidential, which projects may include any of the following:

(1) The repair or rehabilitation of buildings or other improvements by the commission, owners, or tenants.

(2) The acquisition of real property.

(3) Either of the following with respect to environmental contamination on real property:

(A) Investigation.

(B) Remediation.

(4) The demolition and removal of buildings or improvements on buildings acquired by the commission where necessary for any of the following:

(A) To eliminate unhealthful, unsanitary, or unsafe conditions.

(B) To mitigate or eliminate environmental contamination.

- (C) To lessen density.
- (D) To reduce traffic hazards.
- (E) To eliminate obsolete or other uses detrimental to public welfare.
- (F) To otherwise remove or prevent the conditions described in IC 36-7-1-3.
- (G) To provide land for needed public facilities.

(5) The preparation of sites and the construction of improvements (such as public ways and utility connections) to facilitate the sale or lease of property.

(6) The construction of buildings or facilities for residential, commercial, industrial, public, or other uses.

(7) The disposition in accordance with this chapter, for uses in accordance with the plans for the projects, of any property acquired in connection with the projects.

(c) The commission may use its powers under this chapter relative to real property and interests in real property obtained by voluntary sale or transfer, even though the real property and interests in real property are not located in a redevelopment or urban renewal project area established by the adoption and confirmation of a resolution under sections 8(c), 9, 10, and 11 of this chapter. In acquiring real property and interests in real property outside of a redevelopment or urban renewal project area, the commission shall comply with section 12(b) through 12(e) of this chapter. The commission shall hold, develop, use, and dispose of this real property and interests in real property substantially in accordance with section 15 of this chapter.

(d) As used in this section, "pedestrian skyway" means a pedestrian walkway within or outside of the public right-of-way and through and above public or private property and buildings, including all structural supports required to connect skyways to buildings or buildings under construction. Pedestrian skyways constructed, extended, or improved over or through public or private property constitute public property and public improvements, constitute a public use and purpose, and do not require vacation of any public way or other property.

(e) All powers that may be exercised under this chapter by the commission may also be exercised by the commission in carrying out its duties and purposes under IC 36-7-15.3."

Page 37, line 34, after "adoption." insert "**For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2014, whichever is later.**"

Page 43, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 26. IC 36-7-15.3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. **(a)** In addition to its purposes specified in IC 36-10-9.1-10, the authority is also organized for the following purposes:

- (1) Financing, constructing, and leasing local public improvements to the commission.
- (2) Financing and constructing additional improvements to local public improvements owned by the authority and leasing them to the commission.
- (3) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or

lease and leasing these local public improvements back to the commission, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one (1) or more local public improvements from the commission by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the commission to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the commission considers to be unduly burdensome.

(b) Notwithstanding any other provision of this chapter, after June 30, 2014:

(1) an authority; or

(2) any other entity:

(A) established by the authority;

(B) controlled by the authority; or

(C) to which the authority has delegated any power to act or hold property under this chapter;

may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, an authority or entity covered by this section may own property in the capacity of a land bank for a unit.

(c) After June 30, 2014, a project involving telecommunication equipment, such as fiber optic cabling and related equipment, may not be included as part of the assessed value and may not be financed using proceeds from an obligation under this chapter if the telecommunications services that would be provided are already being provided in the area.

SECTION 27. IC 36-7-15.3-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.3. (a) A board member may not have a pecuniary interest in any contract, employment, purchase, or sale made under this chapter. However, any property required for redevelopment purposes in which a board member has a pecuniary interest may be acquired, but only by gift or condemnation.**

(b) If a board member owns, directly or indirectly, more than a ten percent (10%) interest in a business entity, the board member shall be treated as an owner of the business entity for purposes of determining whether a pecuniary interest exists for the board member under this section.

(c) A transaction made in violation of this section is void.

SECTION 28. IC 36-7-15.3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8.5. An authority is:**

(1) subject to audit by the state board of accounts under IC 5-11;

(2) covered by IC 5-14-1.5 (the public meetings law);

(3) covered by IC 5-14-3 (the public records law); and

(4) covered by IC 36-1-12 (the public works law).

SECTION 29. [EFFECTIVE JULY 1, 2014] **(a) During the 2014 legislative interim, the commission on state tax and**

financing policy shall study redevelopment commissions, authorities, and departments. The department of local government finance, with the assistance of the state board of accounts, shall prepare a report on redevelopment that covers at least the following:

- (1) The activities of each redevelopment commission, authority, and department throughout Indiana, including projects proposed and projects completed.
- (2) The budgets for 2009 through 2013 for each redevelopment commission, authority, and department, including a summary of these budgets.
- (3) The audit findings for 2009 through 2013 for each redevelopment commission, authority, and department audited by the state board of accounts, including a summary of these audits.
- (4) The actual increase in assessed values in redevelopment areas compared to the estimated increases set forth in the redevelopment plan.
- (5) The actual increase in assessed values in redevelopment areas compared to the increase in assessed values outside redevelopment areas.
- (6) Suggested changes in the law with regard to redevelopment commissions, authorities, and departments.

Before August 1, 2014, the department of local government finance shall deliver the report concerning redevelopment commissions, authorities, and departments to the executive director of the legislative services agency in an electronic format under IC 5-14-6 for distribution to each member of the commission on state tax and financing policy. The department of local government finance and the state board of accounts shall be available to present the report and respond to questions at a meeting specified by the commission.

(b) This SECTION expires June 30, 2015."

Renumber all SECTIONS consecutively.

(Reference is to SB 118 as introduced.)

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 Tax and Fiscal Policy, to which was referred Senate Bill 176, 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 4-4-11-15.6, AS AMENDED BY P.L.233-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.6. In addition to the powers listed in section 15 of this chapter, the authority may:

- (1) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire

obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17;

(2) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by the northwest Indiana regional development authority established by IC 36-7.5-2-1;

(3) after December 31, 2009, issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by either the commuter rail service board established under IC 8-24-5 or the regional demand and scheduled bus service board established under IC 8-24-6;

(4) enter into leases and issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to carry out the purposes of IC 5-1-17.5 within a motorsports investment district; and

(5) perform any other functions determined by the authority to be necessary or appropriate to carry out the purposes of IC 5-1-17.5 within a motorsports investment district; and

(6) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to make grants for infrastructure and local public improvements as provided in IC 4-4-11.7.

SECTION 2. IC 4-4-11.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11.7. Additional Authority: Infrastructure Grants

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "bonds" means any bonds, notes, debentures, interim certificates, revenue anticipation notes, warrants, or any other evidences of indebtedness of the authority.

Sec. 3. (a) The authority may issue its bonds in principal amounts that the authority considers necessary to provide funds for the purposes under this chapter, including making grants under section 5 of this chapter.

(b) Every issue of bonds shall be obligations of the authority payable solely out of the revenues or funds of the authority, including any excise surtax revenue and wheel tax revenue transferred to the authority as provided in section 4 of this chapter.

Sec. 4. (a) Upon approval of the executive of a county containing a consolidated city, the authority may pledge for the payment of bonds issued under this chapter an amount not to exceed a total of seven million five hundred thousand dollars (\$7,500,000) each year from excise surtax revenue and wheel tax revenue to be transferred to the authority from a county containing a consolidated city, as provided in this section.

(b) If excise surtax revenue and wheel tax revenues are pledged by the authority as provided in subsection (a), the fiscal officer of the county containing a consolidated city shall each year without appropriation transfer to the authority the amount of excise surtax revenue and wheel tax revenue pledged under subsection (a).

(c) Excise surtax revenue and wheel tax revenue may not be transferred under this section for more than twenty-five (25) years.

Sec. 5. The proceeds of bonds issued under this chapter may be used for any of the following purposes:

(1) Making grants to a county containing a consolidated city to be used for the improving, constructing, reconstructing, renovating, or acquiring of any infrastructure or other local public improvements within the county containing a consolidated city (including but not limited to any sewer lines, waterlines, streets, sidewalks, curbs, bridges, roads, streets, parking facilities, lighting, electric signals, or information and high technology infrastructure (as defined in IC 5-28-9-4)).

(2) Any necessary reserves to secure the payment of the principal and interest on the bonds issued under this chapter.

(3) Bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement related to the bonds issued under this chapter.

Sec. 6. (a) A bond of the authority under this chapter:

(1) is not a debt, liability, loan of the credit, or pledge of the faith and credit of the state or of any political subdivision;

(2) is payable solely from the money pledged or available for its payment under this chapter, unless funded or refunded by bonds of the authority; and

(3) must contain on its face a statement that the authority is obligated to pay principal and interest, and redemption premiums, if any, and that the faith, credit, and taxing power of the state are not pledged to the payment of the bond.

(b) The state pledges to and agrees with the holders of the bonds issued under this chapter that the state will not:

(1) limit or restrict the rights vested in the authority to fulfill the terms of any agreement made with the holders of its bonds; or

(2) in any way impair the rights or remedies of the holders of the bonds;

until the bonds, together with the interest on the bonds, and interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met, paid, and discharged.

Sec. 7. The bonds of the authority are negotiable instruments for all purposes of the Uniform Commercial Code (IC 26), subject only to the provisions of the bonds for registration.

Sec. 8. Except as otherwise provided in this chapter, the authority may issue bonds under this chapter in the same manner and using the same procedures as the authority may issue bonds under IC 4-4-11.4.

Sec. 9. (a) An action to contest the validity of any bonds of the authority to be sold at public sale may not be brought after the fifteenth day following the first publication of notice of the sale of the bonds. An action to contest the validity of any bond sale under this chapter may not be brought after the fifth day following the bond sale.

(b) If bonds are sold at private sale, an action to contest the validity of such bonds may not be brought after the fifteenth day following the adoption of the resolution authorizing the issuance of the bonds.

(c) If an action challenging the bonds of the authority is not brought within the time prescribed by subsection (a) or (b), whichever is applicable, all bonds of the authority are conclusively presumed to be fully authorized and issued under the laws of the state, and a person or a qualified entity is estopped from questioning their authorization, sale, issuance, execution, or delivery by the authority.

(d) If this chapter is inconsistent with any other law (general, special, or local), this chapter controls.

Sec. 10. Notwithstanding the restrictions of any other law, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, money, or other funds belonging to them or within their control in bonds issued under this chapter.

Sec. 11. All property of the authority is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments, direct or indirect, of the state or a political subdivision of the state. All bonds issued under this chapter are issued by a body corporate and public of the state, but not a state agency, and for an essential public and governmental purpose and the bonds, the interest thereon, the proceeds received by a holder from the sale of the bonds to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, and proceeds received at maturity and the receipt of the interest and proceeds are exempt from taxation in the state for all purposes except a state inheritance tax imposed under IC 6-4.1.

Sec. 12. Any bonds issued by the authority under this chapter are exempt from the registration and other requirements of IC 23-19 and any other securities registration laws.

Sec. 13. This chapter is supplemental to all other statutes governing the authority."

Page 10, line 17, after "to" insert "Hancock County and".

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 8. IC 6-3.5-4-4, AS AMENDED BY P.L.205-2013, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After January 1 but before July 1 of any year, the adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the surtax. If the adopting entity adopts such an ordinance, the surtax does not apply to a motor vehicle registered after December 31 of the year the ordinance is adopted.

(b) The adopting entity may not adopt an ordinance to rescind the surtax unless it concurrently adopts an ordinance under IC 6-3.5-5 to rescind the wheel tax. In addition, the adopting entity may not adopt an ordinance to rescind the surtax if:

(1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; or

(2) any bonds issued by the county under IC 8-14-9 are outstanding; **or**

(3) any bonds issued under IC 4-4-11.7 are outstanding.

SECTION 9. IC 6-3.5-4-5, AS AMENDED BY P.L.205-2013, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to increase or decrease the surtax rate or amount. The new surtax rate or amount must be within the range of rates or amounts prescribed by section 2 of this chapter. A new rate or amount that is established by an ordinance that is adopted after December 31 but before July 1 of the following year applies to motor vehicles registered after December 31 of the year in which the ordinance to change the rate or amount is adopted. A new rate or amount that is established by an ordinance that is adopted after June 30 but before January 1 of the following year applies to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

(b) The adopting entity may not adopt an ordinance to decrease the surtax rate or amount under this section if:

(1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; **or**

(2) any bonds issued by the county under IC 8-14-9 are outstanding; **or**

(3) any bonds issued under IC 4-4-11.7 are outstanding.

SECTION 10. IC 6-3.5-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) In the case of a county that contains a consolidated city, the city-county council may appropriate money derived from the surtax to the department of transportation established by IC 36-3-5-4 for use by the department under law. The city-county council may not appropriate money derived from the surtax for any other purpose.

(b) Money derived from the surtax may also be used and transferred as provided in IC 4-4-11.7 without appropriation.

SECTION 11. IC 6-3.5-5-6, AS AMENDED BY P.L.205-2013, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) After January 1 but before July 1 of any year, the adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to rescind the wheel tax. If the adopting entity adopts such an ordinance, the wheel tax does not apply to a vehicle registered after December 31 of the year the ordinance is adopted.

(b) The adopting entity may not adopt an ordinance to rescind the wheel tax unless it concurrently adopts an ordinance under IC 6-3.5-4 to rescind the annual license excise surtax. In addition, the adopting entity may not adopt an ordinance to rescind the wheel tax if:

(1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; **or**

(2) any bonds issued by the county under IC 8-14-9 are outstanding; **or**

(3) any bonds issued under IC 4-4-11.7 are outstanding.

SECTION 12. IC 6-3.5-5-7, AS AMENDED BY

P.L.205-2013, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The adopting entity may, subject to the limitations imposed by subsection (b), adopt an ordinance to increase or decrease the wheel tax rates. The new wheel tax rates must be within the range of rates prescribed by section 2 of this chapter. New rates that are established by an ordinance that is adopted after December 31 but before July 1 of the following year apply to vehicles registered after December 31 of the year in which the ordinance to change the rates is adopted. New rates that are established by an ordinance that is adopted after June 30 but before July 1 of the following year apply to motor vehicles registered after December 31 of the year following the year in which the ordinance is adopted.

(b) The adopting entity may not adopt an ordinance to decrease the wheel tax rate under this section if:

(1) any portion of a loan obtained by the county under IC 8-14-8 is unpaid; **or**

(2) any bonds issued by the county under IC 8-14-9 are outstanding; **or**

(3) any bonds issued under IC 4-4-11.7 are outstanding.

SECTION 13. IC 6-3.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In the case of a county that contains a consolidated city, the city-county council may appropriate money derived from the wheel tax to:

(1) the department of transportation established by IC 36-3-5-4 for use by the department under law; or

(2) an authority established under IC 36-7-23.

(b) The city-county council may not appropriate money derived from the wheel tax for any other purpose.

(c) Money derived from the wheel tax may also be used and transferred as provided in IC 4-4-11.7 without appropriation."

Page 34, between lines 14 and 15, begin a new line block indented and insert:

"(3) Hancock County."

Page 34, line 15, delete "(3)" and insert "(4)".

Page 34, line 16, delete "(4)" and insert "(5)".

Page 34, line 17, delete "(5)" and insert "(6)".

Page 34, line 24, delete "IC 8-25-1-6." and insert **"IC 8-25-1-7."**

Page 38, between lines 27 and 28, begin a new line block indented and insert:

"(3) Hancock County."

Page 38, line 28, delete "(3)" and insert "(4)".

Page 38, line 29, delete "(4)" and insert "(5)".

Page 38, line 30, delete "(5)" and insert "(6)".

Page 39, line 9, delete "IC 8-25-1-6." and insert **"IC 8-25-1-7."**

Page 41, between lines 21 and 22, begin a new line block indented and insert:

"(3) Hancock County."

Page 41, line 22, delete "(3)" and insert "(4)".

Page 41, line 23, delete "(4)" and insert "(5)".

Page 41, line 24, delete "(5)" and insert "(6)".

Page 41, between lines 24 and 25, begin a new paragraph and insert:

"Sec. 6. "Light rail" means a streetcar type vehicle railway operated on city streets, semi-private rights-of-way, or exclusive private rights-of-way using step-entry vehicles or level boarding."

Page 41, line 25, delete "6." and insert "7."

Page 41, line 38, delete "7." and insert "8."

Page 41, line 40, delete "8." and insert "9."

Page 43, line 15, after "to" insert "**Hancock County and**".

Page 44, between lines 17 and 18, begin a new paragraph and insert:

"Sec. 9. Nothing in this article creates a moral obligation of the state:

(1) to pay for any transportation project or service or other amounts under this article;

or

(2) to pay any bonds issued under this article.

Sec. 10. No general tax revenues of the state may be used to pay for a transportation project or service under this article. However, this section does not apply to distributions from the public mass transportation fund."

Page 45, line 5, after "to" insert "**Hancock County and**".

Page 47, between lines 7 and 8, begin a new paragraph and insert:

"Sec. 7. An eligible county may not:

(1) purchase, lease, or otherwise acquire;

(2) construct;

(3) operate;

(4) cause any person to purchase, lease, acquire, construct, or operate; or

(5) expend tax revenues deposited in the county public transportation project fund established under IC 8-25-3-7 on;

a light rail project.

Sec. 8. If a transportation project is approved in an eligible county, transportation services must be provided through the transportation project throughout the eligible county and must be made available under this article to all citizens of the county."

Page 49, line 5, after "in" insert "**Hancock County or**".

Page 53, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 19. IC 36-9-4-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 37. (a) The board of directors of a public transportation corporation may appoint or employ a general manager, accountants, attorneys, traffic engineers, drivers, clerks, secretaries, guards, laborers, and other employees, and may prescribe and define their duties, regulate their compensation, discharge them, and appoint or employ their successors. Employees shall be selected without regard to race, religion, or any personal affiliation. The board shall select the general manager on the basis of his fitness for the position, taking into account his executive ability and his knowledge of and experience in the field of mass public transportation.

(b) **This subsection does not apply to a public transportation corporation in an eligible county that approves a local public question under IC 8-25.** The board shall bargain collectively and enter into written contracts with

authorized labor organizations representing employees other than executive, administrative, or professional personnel. These contracts may provide for the binding arbitration of disputes, wages, salaries, hours, working conditions, health and welfare, insurance, vacations, holidays, sick leave, seniority, pensions, retirement, and other benefits.

(c) This subsection applies only to a public transportation corporation in an eligible county that approves a local public question under IC 8-25. The board shall bargain collectively and enter into written contracts with authorized labor organizations representing employees other than executive, administrative, or professional personnel. These contracts may provide for the nonbinding mediation of salaries, wages, and salary and wage related fringe benefits, including accident, sickness, health, dental, vision, life, disability, retirement benefits, and paid time off.

Page 54, after line 7, begin a new paragraph and insert:

"SECTION 28. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

(Reference is to SB 176 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 177, 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, between lines 16 and 17, begin a new line block indented and insert:

"The department may accept orders under this subdivision only from February 1 through April 30 each year."

Page 2, line 20, delete "Indiana." and insert "**Indiana, unless:**

(1) the department determines the nursery stock or wildflower seeds are excess inventory; and

(2) the wholesale business:

(A) has been inspected and certified under IC 14-24-5;

(B) holds a dealer's license under IC 14-24-7; and

(C) has elected to have the business's information published on the division of forestry's Internet web site under section 3 of this chapter.

The department may accept orders under this subdivision only from January 1 through April 30 each year."

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 4. IC 14-23-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The department may not increase the total production of nursery stock produced under this chapter by more than fifteen percent (15%) of the department's total production amount of nursery stock for the previous year."

(Reference is to SB 177 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 208, 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.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 212, 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 "As used in this".

Page 1, delete lines 2 through 3.

Page 1, line 4, delete "(b)".

Page 1, run in lines 1 through 4.

Page 1, line 6, delete "(c)" and insert "(b)".

Page 1, line 8, delete "(d)" and insert "(c)".

Page 1, line 9, delete "EQSC" and insert "**appropriate committee**".

Page 1, line 16, delete "(e)" and insert "(d)".

Page 1, line 16, delete "EQSC is assigned" and insert "**legislative council assigns**".

Page 1, line 17, delete "(d), the EQSC" and insert "**(c) to a committee for study, the committee**".

Page 2, line 1, delete "EQSC's" and insert "**committee's**".

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

(Reference is to SB 212 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 293, 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, delete lines 10 through 42.

Page 4, delete lines 1 through 2.

(Reference is to SB 293 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on January 16, 2014, to render an advisory opinion with regard to Senator Paul's request that the Committee consider whether or not he has a conflict of interest pertaining to his contract for services with Monarch Beverage. The members in attendance were: Chairman Walker, Steele, Grooms, Hume, Arnold, and Breaux.

The Senate Committee on Ethics has considered the facts presented by Senator Paul and hereby recommends that Senator Paul be excused from voting on any bill that has a direct financial impact specific to Monarch Beverage's business model as a distributor, whether beneficial or detrimental, at all phases of the legislative process. The vote of the Committee was 6-0.

WALKER, Chair

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 332, 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.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 338, 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 13, delete "audited" and insert "**examined**".

Page 1, line 15, delete "or other examination of" and insert "**, examination, or other engagement by**".

Page 2, line 4, delete "examination process of the".

Page 2, line 4, after "accounts." insert "**The subcommittee is comprised of five (5) voting members and one (1) advisory member, who shall be the director of the office of management and budget, or the director's designee.**".

Page 2, line 6, after "appoint the" insert "**voting**".

Page 2, line 8, after "council." insert "**If the individual appointed is not a member of the general assembly, the term of the member is three (3) years. If the individual appointed is a member of the general assembly, the term of the member is one (1) year. However, to stagger the terms of the members, if the individual appointed is not a member of the general assembly, the initial term of two (2) of these members is two (2) years instead of three (3) years.**".

Page 2, delete lines 20 through 21.

Page 2, line 22, delete "(2)" and insert "(1)".

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

Page 2, delete lines 29 through 30.

Page 2, line 31, delete "(5)" and insert "(3)".

Page 2, line 36, delete "(6)" and insert "(4)".

Page 2, line 36, delete "state board of accounts" and insert "**examined entities**".

Page 2, line 38, delete "(7) Develop and implement" and insert "**(5) Review the**".

Page 3, line 1, delete "(8)" and insert "(6)".

Page 3, line 4, delete "(9)" and insert "(7)".

Page 3, line 7, delete "audited" and insert "**examined**".

Page 3, line 9, delete "determines is" and insert "**requests as**".

Page 3, line 11, delete "The audit committee shall establish procedures".

Page 3, delete lines 12 through 20.

Page 3, line 22, delete "have access to" and insert "**retain**".

Page 3, line 23, delete "," and insert "**who is**".

Page 4, line 6, delete "audit" and insert "**legislative council**".

Page 4, line 7, delete "committee".

Page 4, line 8, after "accountant" delete ".".

Page 4, line 8, reset in roman "with at least".

Page 4, line 11, after "examiner." insert "**five (5) years of accounting experience, including at least three (3) years of single audit experience in the public or private sector.**".

Page 4, line 16, after "governor;" insert "**and**".

Page 4, delete lines 17 through 18.

Page 4, line 19, delete "(3)" and insert "(2)".

Page 4, line 21, after "of" insert "**In the case of deputy examiners appointed after June 30, 2014, at least one (1) of the deputy examiners must have at least three (3) years of experience with the state board of accounts at the time of appointment.**".

Page 4, line 25, after "However" delete ":" and insert ",".

Page 4, line 26, delete "(1)".

Page 4, run in lines 25 through 27.

Page 4, line 27, delete "October 30," and insert "**December 31,**".

Page 4, line 27, after "2017" delete ";" and insert ". **Notwithstanding the expiration of the term of a state examiner, the state examiner may continue to serve as acting state examiner until a state examiner is appointed or reappointed.**".

Page 4, delete lines 28 through 32.

Page 4, line 36, delete "or (c)".

Page 4, line 40, delete "audit committee" and insert "**legislative council**".

Page 4, line 42, delete "audit committee" and insert "**legislative council**".

Page 5, line 2, delete "audit committee" and insert "**legislative council**".

Page 5, line 3, delete "audit committee" and insert "**legislative council**".

Page 5, line 8, delete "audit committee." and insert "**legislative council.**".

Page 5, line 10, delete "audit committee to the same extent as if the audit committee" and insert "**legislative council to the same extent as if the legislative council**".

Page 5, line 16, delete "a" and insert "**the state examiner**".

Page 5, line 17, delete "member of the state board of accounts".

Page 5, line 18, delete "member" and insert "**state examiner**".

Page 5, line 23, delete "individual" and insert "**state examiner**".

Page 5, line 29, delete "individual" and insert "**state examiner**".

Page 5, line 30, delete "audit committee" and insert "**legislative council**".

Page 5, line 33, delete "audit committee" and insert "**legislative council**".

Page 5, line 35, delete "audit committee" and insert "**legislative council**".

Page 5, line 35, delete "An individual" and insert "**A state examiner**".

Page 5, line 37, delete "audit committee" and insert "**legislative council**".

Page 5, line 38, after "County." insert "**A deputy examiner removed from office under this subsection may petition for judicial review regarding the removal in the circuit or a superior court of Marion County.**".

Page 6, delete lines 37 through 42.

Page 7, delete lines 1 through 35.

Renumber all SECTIONS consecutively.
(Reference is to SB 313 as introduced.)
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 Environmental Affairs, 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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-18-10-1, AS AMENDED BY P.L.1-2010, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A person may not start:

- (1) construction of a confined feeding operation; or
- (2) expansion of a confined feeding operation that increases:

- (A) animal capacity; or
- (B) manure containment capacity; or
- (C) both;

without obtaining the prior approval of the department.

(b) A person may not operate a confined feeding operation without obtaining the prior approval of the department.

SECTION 2. IC 13-18-10-2, AS AMENDED BY P.L.127-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) An application for an approval under section 1 of this chapter of the construction or expansion of a confined feeding operation must

be made on a form submitted on a form provided by the department. An applicant must submit the completed application form to the department together with the following:

- (1) Plans and specifications for the design and operation of manure treatment and control facilities.
- (2) A manure management plan that outlines procedures for the following:
 - (A) Soil testing.
 - (B) Manure testing.
- (3) Maps of manure application areas.
- (4) Supplemental information that the department requires, including the following:
 - (A) General features of topography.
 - (B) Soil types.
 - (C) Drainage course.
 - (D) Identification of nearest streams, ditches, and lakes.
 - (E) Location of field tiles.
 - (F) Location of land application areas.
 - (G) Location of manure treatment facilities.
 - (H) Farmstead plan, including the location of water wells on the site.
- (5) A fee of one hundred dollars (\$100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(b) An applicant who applies for an approval under section 1 of this chapter to construct or expand a confined feeding operation on land for which a valid existing approval has not been issued shall, make a reasonable effort to provide notice not more than ten (10) working days after submitting an the application, make a reasonable effort to provide notice under this subsection:

- (1) to the county executive of the county in which the confined feeding operation is to be located or expanded; and
- (2) to each owner and each occupant of land of which any part of the boundary is one-half (1/2) mile or less from the following:
 - (A) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation is to be located:
 - (i) A livestock or poultry production structure.
 - (ii) A permanent manure storage facility.
 - (B) Any part of the proposed footprint of either or both of the following to be located on the land on which the confined feeding operation is to be expanded:
 - (i) A livestock or poultry production structure.
 - (ii) The expanded area of a livestock or poultry production structure.

The notice must be sent by mail, be in writing, include the date on which the application was submitted to the department, and include a brief description of the subject of the application. The applicant shall pay the cost of complying with this subsection. The applicant shall submit an affidavit to the department that certifies that the applicant has complied with this subsection.

(c) A person must submit an application for the renewal of an approval to:

- (1) operate a confined feeding operation; or
- (2) complete construction or expansion of a confined feeding operation;

at least thirty (30) days prior to the expiration of the existing approval. The construction standards that apply to a renewal application under this subsection shall be the standards in place under rules adopted by the board at the time that the original approval for construction or expansion of a confined feeding operation was issued.

(d) A person who has received approval to construct or expand a confined feeding operation under section 1 of this chapter and has not begun construction or expansion within thirty (30) days of the expiration of the approval must:

- (1) submit a renewal application for construction or expansion at least thirty (30) days prior to the expiration of the approval; and
- (2) comply with the requirements of subsection (b).

The construction standards that apply to a renewal application under this subsection shall be the standards in place under rules adopted by the board at the time that the renewal application is submitted.

~~(e) Plans and specifications for manure treatment or control facilities for a confined feeding operation must secure the approval of the department.~~ The department shall approve the construction or expansion and the operation of the manure management system of the confined feeding operation if the commissioner determines that the applicant meets the requirements of:

- (1) this chapter;
- (2) rules adopted under this chapter;
- (3) the water pollution control laws;
- (4) rules adopted under the water pollution control laws; and
- (5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations.

SECTION 3. IC 13-18-10-2.1, AS AMENDED BY P.L.127-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.1. (a) The department:

- (1) shall make a determination on an application ~~made~~ **submitted** under section 2 of this chapter not later than ninety (90) days after the date the department receives the completed application, including all required supplemental information, unless the department and the applicant agree to a longer time; and
- (2) may conduct any inquiry or investigation, consistent with the department's duties under this chapter, the department considers necessary before making a determination.

(b) If the department fails to make a determination on an application not later than ninety (90) days after the date the department receives the completed application, the applicant may request and receive a refund of an approval application fee paid by the applicant, and the commissioner shall:

- (1) continue to review the application;
- (2) approve or deny the application as soon as practicable; and

(3) refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if the department determines within thirty (30) days after the department receives the application that the application is incomplete and has mailed a notice of deficiency to the applicant that specifies the parts of the application that:

- (1) do not contain adequate information for the department to process the application; or
- (2) are not consistent with applicable law.

(d) The department may establish requirements in an approval regarding that part of the confined feeding operation that concerns manure handling and application to assure compliance with:

- (1) this chapter;
- (2) rules adopted under this chapter;
- (3) the water pollution control laws;
- (4) rules adopted under the water pollution control laws; and
- (5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations.

(e) Subject to subsection (f), the commissioner may deny an application upon making either or both of the following findings:

(1) A responsible party intentionally misrepresented or concealed any material fact in either or both of the following:

- (A) An application for approval under section 1 of this chapter.
- (B) A disclosure statement required by section 1.4 of this chapter.

(2) An enforcement action was resolved against a responsible party as described in either or both of the following:

- (A) Section 1.4(c)(5) of this chapter.
- (B) Section 1.4(c)(6) of this chapter.

(f) Before making a determination to approve or deny an application, the commissioner must consider the following factors:

- (1) The nature and details of the acts attributed to the responsible party.
- (2) The degree of culpability of the responsible party.
- (3) The responsible party's cooperation with the state, federal, or foreign agencies involved in the investigation of the activities involved in actions referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- (4) The responsible party's dissociation from any other persons or entities convicted in a criminal enforcement action referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.
- (5) Prior or subsequent self-policing or internal education programs established by the responsible party to prevent acts, omissions, or violations referred to in section 1.4(c)(5) and 1.4(c)(6) of this chapter.

(g) Except as provided in subsection (h), in taking action under subsection (e), the commissioner must make separately

stated findings of fact to support the action taken. The findings of fact must:

- (1) include a statement of ultimate fact; and
- (2) be accompanied by a concise statement of the underlying basic facts of record to support the findings.

(h) If the commissioner denies an application under subsection (e), the commissioner is not required to explain the extent to which any of the factors set forth in subsection (f) influenced the denial.

(i) The department may amend an approval under section 1 of this chapter or revoke an approval under section 1 of this chapter:

- (1) for failure to comply with:
 - (A) this chapter;
 - (B) rules adopted under this chapter;
 - (C) the water pollution control laws; or
 - (D) rules adopted under the water pollution control laws; and
- (2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

SECTION 4. IC 13-18-10-2.2, AS AMENDED BY P.L.127-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2.2. (a) ~~If an applicant receives an approval under this chapter and completes construction or expansion,~~ Not more than thirty (30) days after ~~the date the applicant completes the~~ **completion of construction or expansion of a confined feeding operation**, the applicant shall execute and send to the department an affidavit that affirms under penalties of perjury that the confined feeding operation:

- (1) was constructed or expanded; and
- (2) will be operated;

in accordance with the requirements of the department's approval.

~~(b) Construction or expansion of an approved confined feeding operation must:~~

- ~~(1) begin not later than two (2) years; and~~
- ~~(2) be completed not later than four (4) years;~~

~~after the date the department approves the construction or expansion of the confined feeding operation or the date all appeals brought under IC 4-21-5 concerning the construction or expansion of the confined feeding operation have been completed; whichever is later. An approval to construct or expand a confined feeding operation shall remain in effect as the operating approval for the duration of the permit term if construction or expansion is completed prior to the end of the permit term under which the confined feeding operation was constructed or expanded.~~

SECTION 5. IC 13-18-10-2.3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2.3: A confined feeding operation must submit a manure management plan that outlines procedures for soil testing; manure testing; and maps of manure application areas to the department at least one (1) time every five (5) years to maintain valid approval for the confined feeding operation under this chapter.~~

SECTION 6. IC 13-20-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter applies to composting **(as defined in IC 13-11-2-38)** of

vegetative matter ~~resulting from landscaping maintenance and land clearing projects.~~ **and other organic material.**

(b) This chapter does not apply to the following:

(1) A person who conducts a composting operation at the person's residence or farm for vegetative matter and other types of organic material that are:

(A) generated by the person's activities; and

(B) stored, treated, or disposed of at the person's residence or farm.

(2) A person who conducts a composting operation that processes less than two thousand (2,000) pounds of vegetative matter during a year.

(3) Temporary stores of vegetative matter where only an incidental amount of composting will occur before removal of the matter.

SECTION 7. IC 13-20-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A person may operate a composting facility ~~for vegetative matter~~ only if the person registers the composting facility with the department.

SECTION 8. IC 13-20-10-3, AS AMENDED BY P.L.133-2012, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. To register a composting facility ~~for vegetative matter~~ with the department, a person must submit an application to the department that contains the following:

(1) A:

(A) legal description; and

(B) topographic map;

of the site on which the composting facility will be located.

(2) A description of the composting facility that indicates the area to be served by the composting operation.

(3) An estimate of the volume of materials that will be processed annually by the composting facility.

(4) Any other information that the department or the board requires by rule.

SECTION 9. IC 13-20-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Except as provided in sections 5 and 6 of this chapter, the active area of a composting facility: ~~for vegetative matter:~~

(1) may not be located:

(A) within two hundred (200) feet of a well that supplies potable water; or

(B) within two hundred (200) feet of a residential structure that exists at the time that the composting facility initially registers under this chapter;

(2) must be located outside the ten (10) year floodplain, except a facility that is either:

(A) operated in conjunction with a publicly owned works permitted under IC 13-15-3; or

(B) designed and operated to provide adequate controls to prevent ground or surface water contamination in the event a ten (10) year flood occurs;

(3) must be designed and operated to:

(A) prevent compost from being placed within five (5) feet of a water table or provide adequate controls to prevent ground or surface water contamination;

(B) adequately control runoff from the composting

facility; and

(C) manage leachate that is generated by the composting facility; and

(4) must include controls for the following:

(A) Dust.

(B) Odor.

(C) Noise.

SECTION 10. IC 13-20-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. A unit of local government may adopt an ordinance providing the distance required between the active area of a composting facility ~~for vegetative matter~~ and an existing residence. An ordinance adopted under this section may not do any of the following:

(1) Allow the active area of a composting facility to locate less than two hundred (200) feet from an existing residence.

(2) Require the active area of a composting facility to locate more than six hundred (600) feet from an existing residence.

SECTION 11. IC 13-20-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The active area of a composting facility ~~for vegetative matter~~ may be located less than two hundred (200) feet from a residence if:

(1) no unit of local government with jurisdiction over:

(A) the residence; or

(B) the composting facility;

has adopted an ordinance under section 5 of this chapter or IC 13-7-35-6(b) (before its repeal); and

(2) the composting facility obtains written consent from the occupant and the owner of the residence.

SECTION 12. IC 13-20-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. A person who operates a composting facility ~~for vegetative matter~~ that must be registered under this chapter shall submit an annual report to the department:

(1) before February 1 of each year; and

(2) that indicates the volume of material processed by the composting facility during the preceding year.

SECTION 13. IC 13-20-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. **(a) The department shall approve an application for registration of a composting facility under this chapter or renewal of a registration if the applicant meets the requirements of this chapter and rules adopted by the board.**

(b) The department may deny an application for the registration of a composting facility or renewal of a registration if the application does not meet the requirements of this chapter or rules adopted by the board.

(c) A registration under this chapter:

(1) expires five (5) years after the date the composting facility ~~for vegetative matter~~ is registered; and

(2) may be renewed by the person who registered the composting facility if the person applies to the department.

(d) A registration under this chapter may be revoked if the registrant operates the composting facility in violation of:

(1) this chapter or any other environmental management law; or

(2) rules adopted by the board.

(Reference is to SB 359 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 1.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 375, 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 15.

Page 2, line 18, delete "or transferred".

Page 22, line 5, delete "chartered under the laws of" and insert "**authorized to do business in**".

Renumber all SECTIONS consecutively.

(Reference is to SB 375 as printed January 24, 2014.)

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 Environmental Affairs, to which was referred Senate Bill 376, 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, delete lines 29 through 42.

Delete page 3.

(Reference is to SB 376 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 394, 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 12, delete lines 12 through 13.

(Reference is to SB 394 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill 404, 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 15, delete "the".

Page 3, line 16, delete "following".

Page 3, line 16, delete "animals:" and insert "**cervidae**".

Page 3, delete lines 17 through 19.

Page 3, line 27, delete "two hundred fifty dollars (\$250)." and insert "**five thousand dollars (\$5,000)**".

Page 3, line 31, delete "two hundred fifty dollars (\$250)." and insert "**one thousand five hundred dollars (\$1,500)**".

Page 3, line 37, delete "applicable Indiana board of animal health" and insert "**all rules of the Indiana state board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD)**".

Page 3, delete lines 38 through 40.

Page 3, line 42, delete "cover" and insert "**at least fifty percent (50%) escape cover**".

Page 4, delete lines 3 through 8, begin a new line block indented and insert:

"(1) A hunting preserve must contain at least one hundred sixty (160) contiguous acres. However, a licensed owner who operated a hunting preserve continuously from January 1, 2009, through January 1, 2014, may operate a hunting preserve on the acreage that the hunting preserve had in place on July 1, 2013.

(2)The hunting preserve must be enclosed by:

(A) a perimeter fence that is at least eight (8) feet in height and a secondary fence within the perimeter fence that is at least eight (8) feet in height; or

(B) a perimeter fence that is at least ten (10) feet in height."

Page 4, line 9, after "the" insert "**hunting**".

Page 4, line 11, after "The" insert "**hunting**".

Page 4, between lines 14 and 15, begin a new line block indented and insert:

"(6) Hunting on the hunting preserve must be prohibited within one hundred fifty (150) yards of an artificial feeding site.

(7) The total number of hunters on the hunting preserve at any time may not exceed a ratio of one (1) per twenty (20) acres.

(8) Any hunting stand in the hunting preserve must be facing the inside of the hunting preserve and be located at least seventy-five (75) yards from the boundary fence of the hunting preserve.

(9) Hunters in the hunting preserve must comply with all hunting safety requirements, including the wearing of hunter orange as required by IC 14-22-38-7.

(10) A permitted animal may not be hunted in the hunting preserve until at least twenty-four (24) hours after the permitted animal is released in the hunting preserve.

(11) The hunting preserve must remove any tree that has a four (4) inch or greater diameter that is within fifty (50) feet of the perimeter fence.

(12) Permitted animals may not be introduced to any drug or chemical that impedes the animal's mobility

before or during a hunt on the hunting preserve.

(13) Before a permitted animal is released in a hunting preserve, the antlers must be scarred in a manner that will make the animal ineligible to be entered into an antler records program."

Page 4, line 31, delete "preserve." and insert "preserve, unless the licensed owner has obtained the proper permit or license from the department to release the animal."

Page 4, line 37, delete "fifty dollars (\$50)" and insert "one hundred fifty dollars (\$150)".

Page 4, line 37, delete "twenty-" and insert "fifty dollars (\$50)".

Page 4, line 38, delete "five dollars (\$25)".

Page 5, line 32, delete "August 15 through April 15." and insert "September 1 through March 1."

Page 5, delete lines 37 through 39, begin a new paragraph and insert:

"Sec. 13. (a) Deer may be hunted in the hunting preserve only with weapons and ammunition that are allowed to be used to hunt deer during the statewide deer hunting season.

(b) Species of cervidae, other than deer, may be hunted in the hunting preserve using any of the following:

(1) The weapons and ammunition allowed in subsection (a).

(2) A rifle that meets the following specifications:

(A) Uses ammunition that has a diameter of not less than 0.284 calibers and not more than 0.458 calibers.

(B) Has a case length of not less than 1.8 inches and not more than 2.85 inches."

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

"Sec. 14. (a) The department shall inspect each hunting preserve at least one (1) time per year.

(b) The department and the Indiana state board of animal health may inspect a hunting preserve and the cervidae within a hunting preserve at any time for the following reasons:

(1) To investigate a complaint.

(2) To ensure compliance with this chapter.

(3) To investigate an issue concerning animal health.

Sec. 15. (a) Except as provided in subsections (b) and (c), a hunting preserve for which a license has been issued under this chapter may not be sold or transferred to another person.

(b) A hunting preserve owner that:

(1) holds a license issued under this chapter; and

(2) is a partnership, limited liability company, or corporation;

may sell or transfer any or all interest in the game preserve to a person who was listed as a partner, member, or stockholder in the hunting preserve when the initial hunting preserve license was granted to the owner under this chapter.

(c) The owner of a hunting preserve licensed under this chapter may sell or transfer, including through inheritance, the owner's interest in the hunting preserve to the owner's spouse or child.

(d) Any sale or transfer of a hunting preserve licensed under this chapter shall be reported, in writing, by the new

owner to the department not more than ten (10) business days after the sale or transfer is complete.

Sec. 16. (a) A person who holds a valid license issued under this chapter may operate a hunting preserve.

(b) If a person's hunting preserve license is revoked under this chapter:

(1) the person may not operate a hunting preserve under this chapter; and

(2) a hunting preserve may no longer be operated on real property owned by the person.

Sec. 17. Each hunting preserve must be operated under a separate license issued under this chapter.

Sec. 18. A person shall not:

(1) knowingly or intentionally provide the department, the commission, or the Indiana state board of animal health with false information; or

(2) resist, impede, or hinder the department, the commission, or the Indiana state board of animal health in discharging duties;

under this chapter.

Sec. 19. (a) A license issued under this chapter for the operation of a hunting preserve:

(1) is a revocable privilege granted by the state; and

(2) is not a property right.

(b) A person may not own or have an ownership interest in more than one (1) hunting preserve in Indiana.

(c) The spouse or child of a hunting preserve owner may have an ownership interest in the owner's hunting preserve. However, a spouse or child of a hunting preserve owner may not have an ownership interest in any other hunting preserve in Indiana.

Sec. 20. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A infraction.

(b) A person who knowing or intentionally violates this chapter commits a Level 6 felony.

(c) A licensed owner's hunting preserve license is automatically revoked upon a licensed owner's conviction under subsection (b)."

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

"SECTION 9. IC 14-22-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Upon receipt of a license, the licensee shall post the licensed area at intervals of not more than five hundred (500) feet with signs to be prescribed by rule. ~~The boundaries of the shooting preserve shall be clearly defined by fences of at least one (1) strand of wire."~~

Renumber all SECTIONS consecutively.

(Reference is to SB 404 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 420, 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 34, delete "The term refers" and insert "**The filing date is May 15.**"

Page 2, delete lines 35 through 39.

Page 5, line 27, delete "year that ends" and insert "year,".

Page 5, delete line 28.

Page 5, line 29, delete "begins after December 31, 2016,".

Page 5, line 37, delete "June 1" and insert "**June 15**".

(Reference is to SB 420 as printed January 24, 2014.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

SENATE MOTION

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

SCR 12 Senator Steele

Honoring the prodigious entrepreneurial accomplishments and success of Forrest Lucas, and his efforts with Protect the Harvest.

HCR 21 Senator Waterman

Recognizing the 60th anniversary of the addition of the words "Under God" to the Pledge of Allegiance.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 12

Senate Concurrent Resolution 12, introduced by Senators Steele, Waterman, and R. Young:

A CONCURRENT RESOLUTION honoring the prodigious entrepreneurial accomplishments and success of Forrest Lucas, and his efforts with Protect the Harvest.

Whereas, Forrest Lucas was born in Jackson and raised in Jackson, Brown, and Bartholomew counties in Indiana;

Whereas, Lucas began his entrepreneurial journey at age eighteen, when he purchased a 1948 Ford dump truck, powered by a '55 Thunderbird engine, to haul dirt and gravel;

Whereas, Three years later, Lucas bought a new 1963 Chevrolet C-60 series with a 327 cubic inch gas engine, and signed with Mayflower Moving and Storage, making him the youngest owner-operator in Mayflower's fleet;

Whereas, In 1966, Lucas purchased his first diesel truck, thus beginning his move toward owning his own fleet of trucks;

Whereas, In 1979, Lucas met and began courting fellow Hoosier and Dubois County resident Charlotte Atkins. The two

were married on May 22, 1982;

Whereas, By age forty, Lucas had retired from driving and was managing his own small fleet of trucks. Maintenance problems, especially those related to the extreme high temperatures of the Arizona, Nevada, and California deserts, threatened to destroy Lucas' business;

Whereas, Always the industrious type, Lucas set out in 1985 to teach himself to make better oils than could be purchased from suppliers for his small fleet of longhaul trucks. Lucas began mixing and matching his own lubricant formulas, and over the next few years, bookkeeping confirmed that maintenance costs had been drastically reduced;

Whereas, With the demonstrable success of Lucas' products, he and his wife began marketing their first product, "Heavy Duty Oil Stabilizer," to their trucking friends, whose trucks suffered from the same maintenance problems;

Whereas, Sales began to skyrocket as news of the product spread across the United States, and in 1987, Lucas decided to sell the trucking business and concentrate exclusively on making better oil. He and his wife took to the road to market the fledgling line of newly formulated oil products to truck stops and independent auto parts stores;

Whereas, In 1989, Forrest and Charlotte Lucas incorporated their growing company, and Lucas Oil Products, Inc. was born;

Whereas, Lucas Oil Products, Inc. expanded at an incredible rate, growing out of its original manufacturing facilities in California. In 2004, the company completed work on a new, much larger production facility in Corydon, Indiana;

Whereas, Lucas Oil Products, Inc. has continued to grow, and now produces and markets over 272 unique formulations in more than thirty-four countries, and is the world leader in high performance lubricants and problem solving additives;

Whereas, Lucas Oil's expansion has not been limited to oil and lubricants, but has also included Lucas Oil Rail Lines, the Team Lucas motorsports sponsorship program, a television production studio, acquisition of the cable network MAVTV, an eighteen hole championship golf course, multiple speedways, including the first ever purpose-built lake for drag boat racing, Lucas Oil Cattle Company, and the naming rights to the home of the Indianapolis Colts and Super Bowl XLVI: Lucas Oil Stadium;

Whereas, Forrest and Charlotte Lucas have been generous stewards of their success, sponsoring and contributing to numerous philanthropic interests and charities that reach out to children, the elderly, racers, car enthusiasts, public safety groups, local and state governments, animal-related relief groups, and many more; and

Whereas, The Lucas family have been integrally involved with Protect the Harvest, an organization whose mission it is to inform American consumers, businesses and decision-makers about the potential consequences of legislation concerning farming, sportsmen, and animal owners; to protect freedoms for farmers, sportsmen, and animal owners, and respond to attacks on such freedoms: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Forrest and Charlotte Lucas and Lucas Oil Products, Inc. on the enormity of their success.

SECTION 2. That the Indiana General Assembly honors Forrest and Charlotte Lucas for their numerous contributions to local communities and individuals all across the United States.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Forrest Lucas and Lucas Oil Products, Inc.

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

House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senator Waterman:

A CONCURRENT RESOLUTION recognizing the 60th anniversary of the addition of the words "under God" to the Pledge of Allegiance.

Whereas, On February 10, 1954, Michigan Senator Homer Ferguson introduced a bill in the United States Congress to amend the Pledge of Allegiance by adding the words "under God" to the text of the pledge;

Whereas, February 10, 1954, was chosen as the date to introduce the bill in recognition of the five-year anniversary of the imprisonment of Hungarian Cardinal Joseph Mindszenty who was imprisoned and tortured by Communists for his sermons exposing the Communist goal of eradication of all religions;

Whereas, Speeches were delivered in Congress by members of both political parties honoring Cardinal Mindszenty and emphasizing the threat posed to America by Communism;

Whereas, Upon introduction of the bill, Senator Ferguson commented, "I believe this modification of the pledge is important because it highlights one of the real fundamental differences between the free world and the Communist world, namely, belief in God," furthering that with, "Our nation is founded on a fundamental belief in God, and the first and most important reason for the existence of our government is to

protect the God-given rights of our citizens. Spiritual values are every bit as important to the defense and safety of our nation as are military and economic values.";

Whereas, The vote to add "under God" to the United States Pledge of Allegiance was unanimous;

Whereas, On February 7, 1954, President Dwight D. Eisenhower became convinced that adding the words "under God" to the United States Pledge of Allegiance would be the right thing to do after hearing Reverend George Docherty preach that the phrase "nation under God" was first used in the Gettysburg Address because freedom "is defined by a fundamental belief in God";

Whereas, The first time the United States Pledge of Allegiance was recited was on Flag Day, June 14, 1954;

Whereas, It is proper and fitting to recognize and honor such an important date that strengthens the ties of history that bind us to our Christian heritage: 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 recognizes February 10, 1954, as the anniversary of the addition of the words "under God" to the Pledge of Allegiance of the United States.

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.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 15 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 353, which is eligible for third reading, be returned to second reading for purposes of amendment.

PAUL

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 1

Senator Hershman called up Senate Bill 1 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1–1)

Madam President: I move that Senate Bill 1 be amended to read as follows:

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

"SECTION 13. IC 6-5.5-2-1, AS AMENDED BY P.L.93-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) There is imposed on each taxpayer a franchise tax measured by the taxpayer's apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The amount of the tax for a taxable year shall be determined by multiplying the applicable rate under subsection (b) times the remainder of:

- (1) the taxpayer's apportioned income; minus
- (2) the taxpayer's deductible Indiana net operating losses as determined under this section; minus
- (3) the taxpayer's net capital losses minus the taxpayer's net capital gains computed under the Internal Revenue Code for each taxable year or part of a taxable year beginning after December 31, 1989, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

A net capital loss for a taxable year is a net capital loss carryover to each of the five (5) taxable years that follow the taxable year in which the loss occurred.

(b) The following are the applicable tax rates to be used under subsection (a):

- (1) For taxable years beginning before January 1, 2014, eight and five-tenths percent (8.5%).
- (2) For taxable years beginning after December 31, 2013, and before January 1, 2015, eight percent (8.0%).
- (3) For taxable years beginning after December 31, 2014, and before January 1, 2016, seven and five-tenths percent (7.5%).
- (4) For taxable years beginning after December 31, 2015, and before January 1, 2017, seven percent (7.0%).
- (5) For taxable years beginning after December 31, 2016, **and before January 1, 2019**, six and five-tenths percent (6.5%).
- (6) **For taxable years beginning after December 31, 2018, and before January 1, 2020, six percent (6%).**
- (7) **For taxable years beginning after December 31, 2019, and before January 1, 2021, five and five-tenths percent (5.5%).**
- (8) **For taxable years beginning after December 31, 2020, and before January 1, 2022, five percent (5%).**
- (9) **For taxable years beginning after December 31, 2021, four and nine-tenths percent (4.9%).**

(c) The amount of net operating losses deductible under subsection (a) is an amount equal to the net operating losses computed under the Internal Revenue Code, adjusted for the items set forth in IC 6-5.5-1-2, that are:

- (1) incurred in each taxable year, or part of a year, beginning after December 31, 1989; and
- (2) attributable to Indiana.

(d) The following apply to determining the amount of net operating losses that may be deducted under subsection (a):

- (1) The amount of net operating losses that is attributable to Indiana is the taxpayer's total net operating losses under the Internal Revenue Code for the taxable year of the loss, adjusted for the items set forth in IC 6-5.5-1-2, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.
- (2) A net operating loss for any taxable year is a net operating loss carryover to each of the fifteen (15) taxable years that follow the taxable year in which the loss occurred.

(e) The following provisions apply to a combined return computing the tax on the basis of the income of the unitary group when the return is filed for more than one (1) taxpayer member of the unitary group for any taxable year:

- (1) Any net capital loss or net operating loss attributable to Indiana in the combined return shall be prorated between each taxpayer member of the unitary group by the quotient of:
 - (A) the receipts of that taxpayer member attributable to Indiana under section 4 of this chapter; divided by
 - (B) the receipts of all taxpayer members of the unitary group attributable to Indiana.
- (2) The net capital loss or net operating loss for that year, if any, to be carried forward to any subsequent year shall be limited to the capital gains or apportioned income for the subsequent year of that taxpayer, determined by the same receipts formula set out in subdivision (1)."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed January 24, 2014.)

HOLDMAN

Motion prevailed.

SENATE MOTION
(Amendment 1–4)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 11, between lines 1 and 2, begin a new line block indented and insert:

- "(5) Study issues related to property taxes paid by taxpayers (including individual taxpayers) other than business taxpayers, and the relative share of the overall tax burden borne by these taxpayers.**
- (6) Study the impact on local government of reducing business personal property taxes."**

Page 11, line 2, delete "(5)" and insert "(7)".

(Reference is to SB 1 as printed January 24, 2014.)

TALLIAN

Motion prevailed.

SENATE MOTION
(Amendment 1–13)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 3, between lines 5 and 6, begin a new paragraph and

insert:

"SECTION 3. IC 6-2.5-5-49.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 49.5. (a)** This section applies to a retail merchant engaged in selling bulk propane at retail in Indiana.

(b) A retail merchant shall claim a credit against the state gross retail or use tax on the retail merchant's return filed in April of 2014 under IC 6-2.5-6-1 for March of 2014.

(c) The amount of the credit is equal the result determined under the following STEPS:

STEP ONE: Determine (for each customer to whom the retail merchant sold bulk propane after December 31, 2013, and before April 1, 2014) the greater of zero (0) or the result of:

(A) the amount of state gross retail tax collected by the retail merchant after December 31, 2013, and before April 1, 2014, on the retail sale of bulk propane to the customer; minus

(B) the amount of state gross retail tax that would have been collected by the retail merchant after December 31, 2013, and before April 1, 2014, on the retail sale of bulk propane to the customer if the cost of that bulk propane had been two dollars and fifty cents (\$2.50) per gallon.

STEP TWO: Determine the sum of the STEP ONE amounts for all customers of the retail merchants.

(d) A retail merchant that claims a credit under subsection (c) shall provide a credit to each customer of the retail merchant for whom an amount was determined under STEP ONE of subsection (c). The credit is equal to the amount determined under STEP ONE of subsection (c) for that customer. The credit under this subsection shall be applied to the next purchase of bulk propane by the customer from the retail merchant occurring after March 31, 2014.

(e) The department may audit credits claimed by a retail merchant under subsection (c) and the credits provided by a retail merchant under subsection (d).

(f) This section expires December 31, 2017."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed January 24, 2014.)

WATERMAN

Motion prevailed.

SENATE MOTION
(Amendment 1-3)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Delete the title and insert the following:

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

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-3-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a)** As used in this section, "replacement grant" refers to a replacement grant

determined under subsection (b).

(b) The department of local government finance shall before May 1 of 2016 and each year thereafter determine for each political subdivision the result of:

(1) the amount of property taxes paid in 2015 to the political subdivision on business personal property (as defined in section 7.2(b) of this chapter) by all businesses that filed an exemption certification under section 7.2(d) of this section for the assessment date in the preceding calendar year; minus

(2) thirty thousand dollars (\$30,000).

If the result of the determination under this subsection is greater than zero (0) for a political subdivision for a particular year, that is the amount of the political subdivision's replacement grant for that year. The department of local government finance shall certify to the auditor of state the total amount of replacement grants that political subdivisions are entitled to for a particular year.

(c) The auditor of state shall before June 1 of 2016 and each year thereafter distribute to the county auditor an amount equal to the total amount of replacement grants that political subdivisions in the county are entitled to for the year. The amount necessary for the auditor of state to make the distribution of replacement grants is appropriated from the general fund. The budget agency shall allot these amounts to the department without any reduction. The county auditor shall distribute the appropriate amount of replacement grants to political subdivisions in the county that are entitled to a replacement grant for that year. Any replacement grant received by a political subdivision shall be deposited in the political subdivision's general fund."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed January 24, 2014.)

TALLIAN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 50: yeas 13, nays 35.

Motion failed.

The President of the Senate yielded the gavel to Senator Long.

SENATE MOTION
(Amendment 1-9)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Delete the title and insert the following:

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

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-3-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a)** As used in this section, "replacement grant" refers to a replacement grant determined under subsection (c).

(b) The department of local government finance shall before May 1 of 2016 and each year thereafter determine for

each political subdivision the result of:

- (1) the amount of property taxes paid in 2015 to the political subdivision on business personal property (as defined in section 7.2(b) of this chapter) by all businesses that filed an exemption certification under section 7.2(d) of this section for the assessment date in the calendar year preceding the year in which the determination is made; divided by
- (2) the total amount of the property taxes imposed by the political subdivision (after the application of credits under IC 6-1.1-20.6) for the year in which the determination is made.

(c) If the result of the determination under subsection (b) is greater than twenty percent (20%) for a political subdivision for a particular year, the political subdivision is entitled to a replacement grant for the year equal to:

- (1) the result of:
 - (A) the percentage determined under subsection (b); minus
 - (B) twenty percent (20%); multiplied by
- (2) the total amount of the property taxes imposed by the political subdivision (after the application of credits under IC 6-1.1-20.6) for that year.

The department of local government finance shall certify to the auditor of state the total amount of replacement grants that political subdivisions are entitled to for a particular year.

(d) The auditor of state shall before June 1 of 2016 and each year thereafter distribute to the county auditor an amount equal to the total amount of replacement grants that political subdivisions in the county are entitled to for the year. The amount necessary for the auditor of state to make the distribution of replacement grants is appropriated from the general fund. The budget agency shall allot these amounts to the department without any reduction. The county auditor shall distribute the appropriate amount of replacement grants to political subdivisions in the county that are entitled to a replacement grant for that year. Any replacement grant received by a political subdivision shall be deposited in the political subdivision's general fund."

Renumber all SECTIONS consecutively.
(Reference is to SB 1 as printed January 24, 2014.)

SKINNER

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 51: yeas 12, nays 36.

Motion failed.

SENATE MOTION
(Amendment 1-2)

Madam President: I move that Senate Bill 1 be amended to read as follows:

- Page 3, delete lines 6 through 42.
- Page 4, delete lines 1 through 9.
- Renumber all SECTIONS consecutively.
- (Reference is to SB 1 as printed January 24, 2014.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 52: yeas 13, nays 36.

Motion failed.

SENATE MOTION
(Amendment 1-12)

Madam President: I move that Senate Bill 1 be amended to read as follows:

- Page 3, delete lines 6 through 42.
- Page 4, delete lines 1 through 9.
- Page 9, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 12. IC 20-20-41 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 41. Preschool Education Programs

Sec. 1. As used in this chapter, "public school" means a school corporation or a charter school.

Sec. 2. (a) Each public school shall conduct a preschool education program during the school year for any child who is at least four (4) years of age and less than five (5) years of age on the date in the school year specified in IC 20-33-2-7.

(b) Tuition and fees may not be charged for a child's participation in a preschool education program offered by a public school under this chapter.

(c) A public school shall submit the information required by the department to obtain the department's approval of the public school's proposed preschool education program.

Sec. 3. (a) The department shall establish standards, requirements, and guidelines for approval of a public school's proposed preschool education program that must provide for at least the following:

- (1) General requirements that a public school must meet, such as facility standards.
- (2) Academic, health, and physical fitness program standards.
- (3) Appropriate preschool education curricula.
- (4) Preschool education teacher requirements.
- (5) An assessment of each participating child's readiness for kindergarten.
- (6) An end of school year evaluation of each approved preschool education program.

(b) The department may establish standards, requirements, and guidelines in addition to those specified in this section.

Sec. 4. The department shall provide support to public schools in the development and implementation of preschool education programs under this chapter.

Sec. 5. (a) The department shall consider each public school's application under this chapter and determine whether to approve the public school's preschool education program.

(b) A public school whose program is approved under this chapter must provide to the department the following:

- (1) The results of the assessment of each participating child's readiness for kindergarten.
- (2) Any other information required by the department.

(c) If the department does not approve the public school's program, the public school shall revise the program in the manner required by the department for the department's approval of the program.

Sec. 6. A public school that determines there is inadequate space to offer a preschool education program under this chapter in the public school's existing facilities may:

(1) offer the program in any suitable space located:

(A) within the geographic boundaries of the school corporation; or

(B) in the case of a charter school, in the general vicinity of the charter school's existing facilities; or

(2) enter into a contract with a provider located within the geographic boundaries of the school corporation if the provider of the services participates in the early education evaluation program established under IC 12-17.2-3.7 and meets the standards of quality recognized by a Level 3 or Level 4 Paths to QUALITY program rating.

SECTION 13. IC 20-24-8-2, AS ADDED BY P.L.169-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A charter school may not do the following:

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless:

(i) charging tuition for the preschool program is barred under federal law; or

(ii) **the preschool program is a preschool education program that is approved by the department under IC 20-20-41; or**

(B) a latch key program;

if the charter school provides those programs.

(3) Except for a foreign exchange student who is not a United States citizen, enroll a student who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide solely home based instruction.

(b) A charter school is not prohibited from delivering instructional services:

(1) through the Internet or another online arrangement; or

(2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

SECTION 14. IC 20-26-5-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) A school corporation shall:

(1) conduct an educational program for all children who reside within the school corporation in kindergarten and in grades 1 through 12; ~~and~~

(2) provide each preschool child with a disability with an appropriate special education as required under

IC 20-35-4-9 only if the general assembly appropriates state funds for preschool special education; ~~and~~

(3) conduct a preschool program that satisfies the requirements set forth in IC 20-20-41 for all children who reside within the school corporation.

(b) A school corporation may:

(1) conduct an educational program for adults and children at least fourteen (14) years of age who do not attend a program described in subsection (a);

(2) provide instruction in vocational, industrial, or manual training;

(3) provide libraries for the schools of the school corporation;

(4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;

(5) provide vacation school and recreational programs;

(6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and

(7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) A school corporation shall develop a written policy that provides for:

(1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods before school is in session or periods when school is not otherwise in session (commonly referred to as a latch key program) and is offered by the school corporation; or

(2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the type of program described in subdivision (1) by a nonprofit organization or a for-profit organization.

(d) The written policy required under subsection (c) must address compliance with certain standards of reasonable care for children served by a child care program offered under subsection (c), including:

(1) requiring the offering entity to acquire a particular amount of liability insurance; and

(2) establishing maximum adult to child ratios governing the overall supervision of the children served.

If a school corporation implements a child care program as described in subsection (c)(1) or enters into a contract with an entity described in subsection (c)(2) to provide a child care program, the school corporation may not assess a fee for the use of the building, and the contract between the school corporation and the entity providing the program must be in writing. However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other costs directly attributable to the use of the building for the program. In addition, if a school corporation offers a child care program as described in subsection (c)(1), the school corporation may assess a fee to cover costs attributable to implementing the program.

(e) The powers under this section are purposes as well as powers.

SECTION 15. IC 20-43-4-1, AS AMENDED BY P.L.146-2008, SECTION 487, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) An individual is an eligible pupil if the individual is a pupil enrolled in a school corporation and:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-26-11 because the pupil is:

(A) transferred for education to another school corporation; or

(B) placed in an out-of-state institution or facility by or with the consent of the department of child services;

(3) the pupil is enrolled in a school corporation as a transfer student under IC 20-26-11-6 or entitled to be counted for ADM purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-26-11; ~~or~~

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility or child care facility where the pupil was placed:

(i) by or with the consent of the department of child services;

(ii) by a court order;

(iii) by a child placing agency licensed by the department of child services;

(iv) by a parent or guardian under IC 20-26-11-8; or

(v) by or with the consent of the department under IC 20-35-6-2; ~~or~~

(6) the pupil is enrolled in a preschool education program that is approved by the department under IC 20-20-41.

(b) For purposes of a career and technical education grant, an eligible pupil includes a student enrolled in a charter school.

SECTION 16. IC 20-43-4-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) In determining ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. If a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils.

(b) In determining ADM, each preschool pupil enrolled in a preschool education program that is approved by the department under IC 20-20-41 shall be counted as one-half (1/2) pupil. If a school corporation commences a preschool education program in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the

enrollment of the preschool pupils."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed January 24, 2014.)

SKINNER

Upon request of Senator Skinner the President ordered the roll of the Senate to be called. Roll Call 53: yeas 13, nays 36.

Motion failed. The bill was ordered engrossed.

Senate Bill 101

Senator Holdman called up Senate Bill 101 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 101-2)

Madam President: I move that Senate Bill 101 be amended to read as follows:

Page 2, line 16, strike "subdivision" and insert "**subdivisions**".

Page 2, line 16, reset in roman "(1)".

Page 2, line 19, strike "subdivision" and insert "**subdivisions**".

Page 3, line 24, delete "management" and insert "**management, without the consent of the owner of the agricultural operation or an authorized person**".

(Reference is to SB 101 as printed January 24, 2014.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 222

Senator Holdman called up Senate Bill 222 for second reading. The bill was reread a second time by title.

SENATE MOTION

(Amendment 222-1)

Madam President: I move that Senate Bill 222 be amended to read as follows:

Page 2, line 37, after "not" insert "**personally**".

(Reference is to SB 222 as printed January 24, 2014.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 300

Senator R. Young called up Senate Bill 300 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 349

Senator Merritt called up Senate Bill 349 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 396

Senator Hershman called up Senate Bill 396 for second reading. The bill was read a second time by title.

After discussion, Senator Hershman withdrew the call.

Senate Bill 419

Senator Pete Miller called up Senate Bill 419 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 419-5)

Madam President: I move that Senate Bill 419 be amended to read as follows:

Page 6, delete lines 15 through 42, begin a new line block indented and insert:

"(10) Cortical blindness.

(11) Legal blindness."

Page 7, delete lines 1 through 9.

Page 7, line 19, after "(2)" insert **"except for autism spectrum disorder,"**

Page 7, line 28, after "physicians" delete ",".

Page 7, line 28, strike "care facilities,".

Page 7, line 28, after "appropriate" insert **"state and"**.

Page 7, line 31, after "(3)" insert **"except as provided in subsection (d),"**.

Page 8, between lines 27 and 28, begin a new line block indented and insert:

"(3) Verbally inform an individual of the information set forth in subsection (a)(3)."

Renumber all SECTIONS consecutively.

(Reference is to SB 419 as printed January 24, 2014.)

PETE MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 421

Senator Head called up Senate Bill 421 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 421-1)

Madam President: I move that Senate Bill 421 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 2. IC 23-14-31-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 45. (a) After completion of the cremation process, if a crematory authority existing on cemetery property has not been instructed to arrange for the interment, entombment, inurnment, or scattering of the cremated remains, the crematory authority shall deliver the cremated remains to the funeral director of record not later than thirty (30) days after the date of cremation. ~~The delivery may be made in person or by registered mail.~~ After delivery of the cremated remains, the crematory authority is discharged from any legal obligation or liability concerning the disposition of the cremated remains.

(b) A funeral director may hold remains returned by a crematory authority for not longer than sixty (60) days from the date of cremation and may dispose of the remains as previously arranged, or if no arrangement has been made, at the end of sixty (60) days, in any legal manner.

(c) A funeral director and crematory authority shall observe religious practices or preferences specified by the authorizing agent."

Renumber all SECTIONS consecutively.

(Reference is to SB 421 as printed January 24, 2014.)

HEAD

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 41

Senator Steele called up Engrossed Senate Bill 41 for third reading:

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

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

Roll Call 54: 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 McMillin, Steuerwald, and Koch.

Engrossed Senate Bill 43

Senator Yoder called up Engrossed Senate Bill 43 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 55: 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 Ober and Culver.

Engrossed Senate Bill 53

Senator Zakas called up Engrossed Senate Bill 53 for third reading:

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

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

Roll Call 56: 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 Culver and Neese.

Engrossed Senate Bill 106

Senator Charbonneau called up Engrossed Senate Bill 106 for third reading:

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

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

Roll Call 57: 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 Negele and Mahan.

Engrossed Senate Bill 114

Senator Leising called up Engrossed Senate Bill 114 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 58: yeas 28, nays 21. 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 Cherry and Torr.

Engrossed Senate Bill 134

Senator Wyss called up Engrossed Senate Bill 134 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 59: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Steuerwald and DeLaney.

Engrossed Senate Bill 138

Senator Becker called up Engrossed Senate Bill 138 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil 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 60: 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 Kubacki and Lawson.

Engrossed Senate Bill 139

Senator Becker called up Engrossed Senate Bill 139 for third reading:

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

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

Roll Call 61: 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 Bacon and Clere.

Engrossed Senate Bill 142

Senator Patricia Miller called up Engrossed Senate Bill 142 for third reading:

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

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

Roll Call 62: 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 T. Brown.

Engrossed Senate Bill 143

Senator Patricia Miller called up Engrossed Senate Bill 143 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 63: 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 Thompson.

Engrossed Senate Bill 158

Senator Kenley called up Engrossed Senate Bill 158 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 64: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, Huston, and Goodin.

Engrossed Senate Bill 159

Senator Kenley called up Engrossed Senate Bill 159 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 65: 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 T. Brown, Huston, and Goodin.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 161, which is eligible for third reading, be returned to second reading for purposes of amendment.

KENLEY

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 163

Senator Head called up Engrossed Senate Bill 163 for third reading:

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

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

Roll Call 66: 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 Friend.

Engrossed Senate Bill 166

Senator Leising called up Engrossed Senate Bill 166 for third reading:

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

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

Roll Call 67: yeas 41, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative VanNatter.

Engrossed Senate Bill 207

Senator Walker called up Engrossed Senate Bill 207 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 68: 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 M. Smith and Goodin.

Engrossed Senate Bill 227

Senator Merritt called up Engrossed Senate Bill 227 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 69: 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 McMillin, Frye, and Hale.

Engrossed Senate Bill 229

Senator Tomes called up Engrossed Senate Bill 229 for third reading:

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

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

Roll Call 70: yeas 28, nays 21. 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 Eberhart.

Engrossed Senate Bill 238

Senator Wyss called up Engrossed Senate Bill 238 for third reading:

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

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

Roll Call 71: yeas 33, nays 14. 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 Frye and GiaQuinta.

Engrossed Senate Bill 245

Senator Patricia Miller called up Engrossed Senate Bill 245 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 72: 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 Zent.

Engrossed Senate Bill 246

Senator Bray called up Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT concerning probate.

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

Roll Call 73: 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 Washburne.

Engrossed Senate Bill 254

Senator Arnold called up Engrossed Senate Bill 254 for third reading:

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

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

Roll Call 74: yeas 41, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dermody and Niezgodski.

Engrossed Senate Bill 260

Senator Banks called up Engrossed Senate Bill 260 for third reading:

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

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

Roll Call 75: 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 Messmer.

Engrossed Senate Bill 262

Senator Hershman called up Engrossed Senate Bill 262 for third reading:

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

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

Roll Call 76: yeas 38, nays 11. 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, Davisson, and Candelaria Reardon.

Engrossed Senate Bill 273

Senator Buck called up Engrossed Senate Bill 273 for third reading:

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

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

Roll Call 77: yeas 43, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cherry and VanNatter.

Engrossed Senate Bill 285

Senator Grooms called up Engrossed Senate Bill 285 for third reading:

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

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

Roll Call 78: 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 Davisson, Frizzell, and C. Brown.

Engrossed Senate Bill 291

Senator Waterman called up Engrossed Senate Bill 291 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 79: 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 Cox and McNamara.

Engrossed Senate Bill 305

Senator Merritt called up Engrossed Senate Bill 305 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 80: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative M. Smith.

SENATE MOTION

Madam President: I move that Senator Crider be added as second author and Senator Boots be added as third author of Engrossed Senate Bill 273.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 158.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 330.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 163.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 305.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 282.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as coauthor of Engrossed Senate Bill 207.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Eckerty and Crider be added as coauthors of Engrossed Senate Bill 163.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as coauthor of Engrossed Senate Bill 143.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Crider, Glick, Grooms, Merritt, and Schneider be added as coauthors of Engrossed Senate Bill 134.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 421, which is eligible for third reading, be returned to second reading for purposes of amendment.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Glick and Tallian be added as coauthors of Engrossed Senate Bill 354.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Holdman, Tomes, Yoder, and Banks be added as coauthors of Senate Concurrent Resolution 12.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as coauthor of Engrossed Senate Bill 260.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 271.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Senate Bill 276.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Engrossed Senate Bill 166.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Engrossed Senate Bill 58.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as coauthor of Engrossed Senate Bill 306.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 285.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 53.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 300.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 222.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 212.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux and Merritt be added as coauthors of Senate Bill 343.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 159.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 397.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 352.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 291.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as coauthor of Engrossed Senate Bill 291.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 376.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 353.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 143.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 142.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 41.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as third author of Engrossed Senate Bill 139.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Tomes be added as coauthors of Engrossed Senate Bill 114.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Engrossed Senate Bill 238.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 30, 2014.

HERSHMAN

Motion prevailed.

The Senate adjourned at 6:04 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate