



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Fortieth Meeting Day

Tuesday Afternoon

April 7, 2015

The Senate convened at 3:00 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Lucas Holt, Student of Theology at the University of Oxford and former Indiana Senate Intern from Danville.

The Pledge of Allegiance to the Flag was led by Senator Peter J. Miller.

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

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

Roll Call 369: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 64

House Concurrent Resolution 64, sponsored by Senator Hershman:

A CONCURRENT RESOLUTION urging the federal government to use sound science when determining the water

level requirements of Lake Shafer and Lake Freeman.

Whereas, Over several decades, tourism to the Twin Lakes area has grown to the point where the area has become one of the major tourist attractions in Indiana;

Whereas, Tourists come to the area to visit one or all of our four major attractions: Indiana Beach, Lake Shafer, Lake Freeman, and the Madam Carroll cruise boat on Lake Freeman;

Whereas, During the two week low water period in August 2014 tourism was noticeably weaker;

Whereas, There are 869 licensed properties on the Lake Freeman, with more than half of these used as second homes owned by people whose primary homes are in Indianapolis, Chicago, or other places hours away;

Whereas, Occupancy of these homes was noticeably down for the duration of the lake drop in water level, depriving Lake Freeman and area businesses of tourist revenue from food, gas, and services;

Whereas, A large tourism infrastructure of resorts, motels, private home rentals, boat ramps, marinas, restaurants, and docking facilities has become established on both Lake Freeman and Lake Shafer, all dependent upon the expectation of consistent water levels;

Whereas, Very little attention has been paid to the fact that great numbers of supposedly nonendangered fish, mussels, and plant life in Lake Freeman were destroyed by the required two foot drop in Lake Freeman in August 2014;

Whereas, Although the required lowering of the lake water level may have saved endangered mussels in the Tippecanoe River, it also produced other environmental problems of a serious nature in Lake Freeman. These problems included the exposure of the lake bottom, resulting in the death of nonendangered mussels and other aquatic life; wildlife and water plants were killed, giving off offensive odors and visual impairments; fish spawning and habitat areas in low and wetland areas were lost; constructed and placed fish habitat promulgation structures were uncovered; the beneficial functions of wetlands as habitat and water filters were diminished; docks and piers designed for specific water levels were rendered inaccessible for boating and suffered damage; seawalls buckled because of lack of countering pressure from the water, causing more silt to enter the lake; and stumps and shallows appeared, rendering boating unsafe;

Whereas, Closure of all Lake Freeman boat ramps because of low water levels caused loss of ramp launch fee income and many marina workers were laid off;

Whereas, Low water levels also prevented the construction of seawalls, docks, and boat lifts, resulting in construction worker layoffs; and

Whereas, The economic value of Lake Shafer and Lake Freeman is immeasurable to the area: 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 supports community businesses and urges the federal government to give strong deference to the fiscal impact on local economies when determining a change is needed to the water levels of Lake Shafer and Lake Freeman.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the Indiana Congressional Delegation.

The resolution was read in full and referred to the Committee on Natural Resources.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Resolution 48, 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 6, Nays 0.

LEISING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred House Bill 1019, 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 8 and 9, begin a new line block indented and insert:

"(5) IC 5-16-13.

(6) IC 5-16-14.

SECTION 3. IC 4-13.6-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A contractor having a contract with the division for a public works project may enter into a subcontract with a value of one hundred fifty thousand dollars (\$150,000) or more, involving the performance of any part of the public work upon which the

contractor may be engaged only if the subcontractor has been properly qualified under the terms of this chapter for the work subcontracted.

(b) A contractor that enters into a public works contract with an estimated cost of one hundred fifty thousand dollars (\$150,000) or more must complete at least ~~twenty~~ **twenty fifteen** percent ~~(20%)~~ **(15%)** of the work (measured in dollars of the total contract price) with its own forces. The director may determine whether a contractor has completed at least ~~twenty~~ **twenty fifteen** percent ~~(20%)~~ **(15%)** of the work with its own forces, and this determination is final and conclusive.

(c) The director may find a contractor violating this section to be in breach of the contract and may employ any legal remedies or administrative remedies that the department may prescribe by rule or in the contract documents. The division may develop contract provisions that assure compliance by contractors with this section and provide for remedies if a contractor breaches these provisions.

SECTION 4. IC 4-13.6-5-4, AS AMENDED BY P.L.172-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) If the estimated cost of a public works project is less than ~~one three~~ **one three** hundred ~~thirty~~ **thirty** thousand dollars ~~(\$150,000);~~ **(\$300,000)**, the division may perform the public work without awarding a public works contract under section 2 of this chapter. In performing the public work, the division may authorize use of equipment owned, rented, or leased by the state, may authorize purchase of materials in the manner provided by law, and may authorize performance of the public work using employees of the state.

(b) The workforce of a state agency may perform a public work described in subsection (a) only if:

- (1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and
- (2) for a public works project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the agency:

(A) publishes a notice under IC 5-3-1 that:

- (i) describes the public work that the agency intends to perform with its own workforce; and
 - (ii) sets forth the projected cost of each component of the public work as described in subsection (a); and
- (B) determines at a public meeting that it is in the public interest to perform the public work with the agency's own workforce.

A public works project performed by an agency's own workforce must be inspected and accepted as complete in the same manner as a public works project performed under a contract awarded after receiving bids.

(c) If a public works project involves a structure, an improvement, or a facility under the control of an agency, the agency may not artificially divide the project to bring any part of the project under this section.

(d) If a public works project involves a structure, improvement, or facility under the control of the department of

natural resources, the department of natural resources may purchase materials for the project in the manner provided by law and without a contract being awarded, and may use its employees to perform the labor and supervision, if:

- (1) the department of natural resources uses equipment owned or leased by it; and
- (2) the division of engineering of the department of natural resources estimates the cost of the public works project will be less than ~~one three~~ hundred ~~fifty~~ thousand dollars (~~\$150,000~~); **(\$300,000)**.

(e) If a public works project involves a structure, improvement, or facility under the control of the department of correction, the department of correction may purchase materials for the project in the manner provided by law and use inmates in the custody of the department of correction to perform the labor and use its own employees for supervisory purposes, without awarding a contract, if:

- (1) the department of correction uses equipment owned or leased by it; and
- (2) the estimated cost of the public works project using employee or inmate labor is less than the greater of:
 - (A) fifty thousand dollars (\$50,000); or
 - (B) the project cost limitation set by IC 4-13-2-11.1.

All public works projects covered by this subsection must comply with the remaining provisions of this article, and all plans and specifications for the public works project must be approved by a licensed architect or engineer."

Page 6, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 8. IC 5-16-1-1.5, AS AMENDED BY P.L.6-2012, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) The governing board of any state educational institution, acting on behalf of said institution, may purchase materials in the manner provided by law and perform any work by means of its own employees and owned or leased equipment in the construction, rehabilitation, extension, maintenance or repair of any building, structure, improvement, or facility, of said institutions, without awarding a contract therefor, whenever the cost of such work shall be estimated to be less than ~~one three~~ hundred ~~fifty~~ thousand dollars (~~\$150,000~~); **(\$300,000)**.

(b) The workforce of a state educational institution may perform a public work described in subsection (a) only if:

- (1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and
- (2) for a public work project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the state educational institution:
 - (A) publishes a notice under IC 5-3-1 that:
 - (i) describes the public work that the state educational institution intends to perform with its own workforce; and
 - (ii) sets forth the projected cost of each component of the public work as described in subsection (a); and

(B) determines at a public meeting that it is in the public interest to perform the public work with the state educational institution's own workforce.

A public work project performed by a state educational institution's own workforce must be inspected and accepted as complete in the same manner as a public work project performed under a contract awarded after receiving bids.

(c) If a public work project involves a structure, an improvement, or a facility under the control of a state educational institution, the state educational institution may not artificially divide the project to bring any part of the project under this section."

Page 6, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 11. IC 5-16-7.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 7.2. Wage Scales for Public Works Projects

Sec. 1. (a) This chapter applies to a public works contract awarded by a public agency after June 30, 2015.

(b) This chapter does not apply to contracts awarded by the Indiana department of transportation when IC 8-23-9 applies.

Sec. 2. As used in this chapter, "applicable public works statute" refers to whichever of the following statutes is applicable to public works projects of the public agency:

- (1) IC 4-13.6.**
- (2) This article.**
- (3) IC 36-1-12.**
- (4) Any other statute applicable to the public works projects of the public agency.**

Sec. 3. As used in this chapter "public agency" has the meaning set forth in IC 5-30-1-11.

Sec. 4. As used in this chapter, "public works project" refers to a construction project governed by an applicable public works statute.

Sec. 5. Unless federal or state law provides otherwise, a public agency may not:

- (1) establish;**
- (2) mandate; or**
- (3) otherwise require;**

a wage scale or wage schedule for a public works contract awarded by the public agency.

SECTION 12. IC 5-16-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 13. Requirements for Contractors on Public Works Projects

Sec. 1. (a) This chapter applies only to a public works contract awarded after June 30, 2015.

(b) The requirements described in this chapter are in addition to requirements for contractors stated in the applicable public works statute. The provisions of an applicable public works statute shall be construed consistently with this chapter, but to the extent an applicable

public works statute is inconsistent with this chapter, the provisions of this chapter govern.

(c) A provision of an invitation for bids, request for proposals, or a public works contract inconsistent with this chapter is void.

Sec. 2. As used in this chapter, "applicable public works statute" refers to whichever of the following statutes is applicable to public works projects of the public agency:

- (1) IC 4-13.6.
- (2) This article.
- (3) IC 36-1-12.
- (4) Any other statute applicable to the public works projects of the public agency.

Sec. 3. As used in this chapter, "contractor" refers generally to a contractor in any contractor tier.

Sec. 4. As used in this chapter, "contractor tier" refers collectively to the following classes of contractors on a public works project:

- (1) "Tier 1 contractor" includes each person that has a contract with the public agency to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a "prime contractor" or a "general contractor".
- (2) "Tier 2 contractor" includes each person that has a contract with a tier 1 contractor to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a "subcontractor".
- (3) "Tier 3 contractor" includes each person that has a contract with a tier 2 contractor to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a "sub-subcontractor".
- (4) "Lower tier contractor" includes each person that has a contract with a tier 3 contractor or lower tier contractor to perform some part of the work on, supply some of the materials for, or supply a service for, a public works project. A person included in this tier is also known as a "lower tier subcontractor".

Sec. 5. As used in this chapter, "public agency" has the meaning set forth in IC 5-30-1-11.

Sec. 6. As used in this chapter, "public works project" refers to a construction project governed by an applicable statute.

Sec. 7. The substance of the provisions of this chapter must be stated or incorporated by reference in each public works contract.

Sec. 8. A public works project may not be structured other than in the contractor tier structure.

Sec. 9. Each tier 1 contractor must contribute in:

- (1) work performed by the tier 1 contractor's employees;
- (2) materials supplied directly by the tier 1 contractor;

(3) services supplied directly by the tier 1 contractor's employees; or

(4) any combination of subdivisions (1) through (3); at least fifteen percent (15%) of the total contract price of the public works project.

Sec. 10. (a) This section applies to each contractor in any contractor tier of a public works project.

(b) A contractor must maintain general liability insurance in an amount equal to:

- (1) the value of the contractor's contract for the public works project; or
- (2) such other amount specified by the public agency in the contract documents.

(c) A contractor must be qualified under either of the following before doing any work on a public works project:

- (1) IC 4-13.6-4.
- (2) IC 8-23-10.

Sec. 11. Except as provided in this section, the following apply to each contractor in any contractor tier of a public works project:

- (1) IC 22-5-1.7. A contractor shall submit, before work begins on a public work project, the E-Verify case verification number for each individual who will be employed by the contractor on the public works project and who is required to be verified under IC 22-5-1.7. An individual who is required to be verified under IC 22-5-1.7 whose final case result is final nonconfirmation may not be employed on the public works project.
- (2) A contractor may not pay cash to any individual employed by the contractor for work done by the individual on the public works project.
- (3) A contractor must be in compliance with the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209) and IC 22-2-2-1 through IC 22-2-2-8.
- (4) A contractor must be in compliance with IC 22-3-5-1 and IC 22-3-7-34.
- (5) A contractor must be in compliance with IC 22-4-1 through IC 22-4-39.5.
- (6) A contractor must be in compliance with IC 4-13-18-1 through IC 4-13-18-7.
- (7) A contractor must comply with section 12 of this chapter, if applicable.

Sec. 12. (a) This section applies only to a tier 1 contractor that employs ten (10) or more employees.

(b) A contractor must do the following:

- (1) Maintain an ongoing training program for its employees that it requires employees to attend.
- (2) Certify to the public agency the existence and operation of the program:
 - (A) at the time the public works contract is entered into; and
 - (B) every three (3) months after the contract is awarded until substantial completion of the project.

(c) A contractor may comply with this section through any of the following:

- (1) A trade union apprenticeship program.
- (2) A program offered by Ivy Tech Community College of Indiana.
- (3) A program offered by Vincennes University.
- (4) A program established by the contractor not later than one (1) year before the date of the contract award.

Sec. 13. The payroll and related records of a contractor in any contractor tier must be:

- (1) preserved by the contractor for a period of three (3) years after completion of the project work; and
- (2) open to inspection by the department of workforce development.

Sec. 14. A public agency that is the owner of a public works project may do the following:

- (1) The public agency may request in writing an in-person inspection of information that is contained in the quarterly wage reports submitted to the department of workforce development under IC 22-4-19-6(b) for a contractor in any contractor tier working on the public agency's public works project.
- (2) The chief executive officer of the public agency shall sign the request described in subdivision (1). The request must:

- (A) identify the specific contractor whose quarterly wage reports the public agency seeks to inspect;
- (B) identify the individuals who will conduct the inspection on the public agency's behalf; and
- (C) contain a verification that the public agency and anyone acting on the public agency's behalf will be bound by confidentiality provisions and penalties for disclosure under IC 22-4-19-6.

(3) The public agency must inspect the reports requested in subdivision (1) in person at the offices of the department of workforce development after making an appointment to do so.

(4) The public agency may not at any time during or after the inspection described in subdivision (3) record, copy, make a written record, or otherwise commit an act that results in the removal of a confidential record from the offices of the department of workforce development.

(5) An employee or agent of the public agency may not disclose in any manner any information obtained during an inspection described in subdivision (3).

(6) A person who discloses any information obtained during an inspection described in subdivision (3) commits a Class B misdemeanor.

Sec. 15. (a) This section applies to a contractor in any contractor tier of a public works project.

(b) A public agency that finds a contractor has violated a provision of this chapter shall find the contractor not responsible for a period of not more than forty-eight (48) months from the date of substantial completion of the public

works project.

(c) The public agency that makes a finding under subsection (b) shall determine the length of time the contractor is considered not responsible based on the severity of the violation.

SECTION 13. IC 5-16-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Determination That a Contractor for a Public Works Project Is Not Responsible

Sec. 1. (a) This chapter applies only to a public works contract awarded after June 30, 2015.

(b) The provisions of an applicable public works statute shall be construed consistently with this chapter, but to the extent an applicable public works statute is inconsistent with this chapter, the provisions of this chapter govern.

(c) A provision of an invitation for bids, request for proposals, or public works contract inconsistent with this chapter is void.

Sec. 2. The definitions in IC 5-16-13 apply throughout this chapter.

Sec. 3. A determination that a contractor is not responsible is final and conclusive, and subject to judicial review under this chapter.

Sec. 4. (a) A person aggrieved by a determination that the person is not responsible may file a petition for judicial review of that determination in a court of appropriate jurisdiction.

(b) The court shall grant relief only if it determines that a person seeking judicial relief under this chapter has been substantially prejudiced by a determination that is any of the following:

- (1) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.
- (2) Contrary to constitutional right, power, privilege, or immunity.
- (3) In excess of statutory jurisdiction, authority, or limitations, or short of statutory right.
- (4) Without observance of procedure required by law.
- (5) Unsupported by substantial evidence.

Sec. 5. The burden of demonstrating the invalidity of the determination is on the person asserting the invalidity.

Sec. 6. (a) If the court finds that a person has been substantially prejudiced by a determination, the court may set aside the determination. The court may remand the case to the governmental body for further proceedings and compel an action by the governmental body that has been unreasonably delayed or unlawfully withheld.

(b) A court may not award damages in an action under this chapter."

Page 7, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 17. IC 5-30-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.** IC 5-16-13 and

IC 5-16-14 apply to a contract awarded under this article.

SECTION 18. IC 5-32-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. IC 5-16-13 and IC 5-16-14 apply to a contract awarded under this article, regardless of which applicable public works statute applies to the contract."**

Page 10, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 26. IC 22-5-1.7-2, AS AMENDED BY P.L.6-2012, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.** As used in this chapter, "contractor" means a person that **satisfies either of the following:**

(1) Is a person that:

(A) has entered into; or

(B) is attempting to enter into;

a public contract for services with a state agency or political subdivision.

(2) Is a person that:

(A) has entered into; or

(B) is attempting to enter into;

a contract for a public works project with a public agency.

SECTION 27. IC 22-5-1.7-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.2. As used in this chapter, "public agency" has the meaning set forth in IC 5-30-1-11.**

SECTION 28. IC 22-5-1.7-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.4. As used in this chapter, "public works project" has the meaning set forth in IC 5-16-13-6.**

SECTION 29. IC 22-5-1.7-7, AS ADDED BY P.L.171-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.** As used in this chapter, "state agency" has the meaning set forth in ~~IC 4-6-3-1~~ **IC 4-13-1-1.**

SECTION 30. IC 22-5-1.7-8, AS ADDED BY P.L.171-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 8.** As used in this chapter, "subcontractor" means a person that:

(1) is a party to a contract with a contractor; and

(2) provides services **or work** for work the contractor is performing under **either of the following:**

(A) A public contract for services.

(B) A contract for a public works project with a public agency.

SECTION 31. IC 22-5-1.7-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11.1. This section applies only to a contract for a public works project entered into or renewed after June 30, 2015. A public agency**

may not enter into or renew a contract for a public works project with a contractor unless:

(1) the contract contains:

(A) a provision requiring the contractor to enroll in and verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program; and

(B) a provision that provides that a contractor is not required to verify the work eligibility status of all newly hired employees of the contractor through the E-Verify program if the E-Verify program no longer exists; and

(2) the contractor signs an affidavit affirming that the contractor does not knowingly employ an unauthorized alien.

SECTION 32. IC 22-5-1.7-12, AS ADDED BY P.L.171-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 12.** (a) A contractor or a subcontractor may not:

(1) knowingly employ or contract with an unauthorized alien; or

(2) retain an employee or contract with a person that the contractor or subcontractor subsequently learns is an unauthorized alien.

(b) If a contractor violates this section, the state agency, ~~or~~ political subdivision, **or public agency** shall require the contractor to remedy the violation not later than thirty (30) days after the date the state agency, ~~or~~ political subdivision, **or public agency** notifies the contractor of the violation.

(c) There is a rebuttable presumption that a contractor did not knowingly employ an unauthorized alien if the contractor verified the work eligibility status of the employee through the E-Verify program.

SECTION 33. IC 22-5-1.7-13, AS ADDED BY P.L.171-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13.** (a) Except as provided in subsection (b), if the contractor fails to remedy the violation within the thirty (30) day period provided under section 12(b) of this chapter, the **following apply:**

(1) The state agency or political subdivision shall terminate the public contract for services with the contractor for breach of the public contract for services.

(2) The public agency shall terminate the contract for a public works project with the contractor for breach of the contract for the public works project.

(b) If a contractor employs or contracts with an unauthorized alien, ~~but~~ **the following apply:**

(1) If the state agency or political subdivision (whichever the contractor has a public contract for services with) determines that terminating the public contract for services under subsection (a) would be detrimental to the public interest or public property, the state agency or political subdivision may allow the public contract for services to remain in effect until the state agency or political subdivision procures a new contractor.

(2) If the public agency determines that terminating the contract for a public works project under subsection (a) would be detrimental to the public interest or public property, the public agency may allow the contract for the public works project to remain in effect until the public agency procures a new contractor.

(c) If a state agency or political subdivision terminates a public contract for services under subsection (a), the contractor is liable to the state agency or political subdivision for actual damages.

(d) If a public agency terminates a contract for a public works project under subsection (a), the contractor is liable to the public agency for actual damages.

SECTION 34. IC 22-5-1.7-14, AS ADDED BY P.L.171-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. A contractor may file an action with a circuit or superior court having jurisdiction in the county to challenge:

(1) a notice of a violation to the contractor under section 12(b) of this chapter not later than twenty (20) days after the contractor receives the notice; or

(2) a termination of a:

(A) public contract for services under section 13(a) of this chapter not later than twenty (20) days after the state agency or political subdivision terminates the public contract for services with the contractor; or

(B) contract for a public works project under section 13(a) of this chapter not later than twenty (20) days after the public agency terminates the contract for the public works project with the contractor;

whichever is applicable.

SECTION 35. IC 22-5-1.7-15, AS ADDED BY P.L.171-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. If a contractor uses a subcontractor to provide services for work the contractor is performing under a public contract for services **or a contract for a public works project**, the subcontractor shall certify to the contractor in a manner consistent with federal law that the subcontractor, at the time of certification:

(1) does not knowingly employ or contract with an unauthorized alien; and

(2) has enrolled and is participating in the E-Verify program.

SECTION 36. IC 35-43-5-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 21. (a) A person who, with intent to obtain worker's compensation coverage as required by IC 22-3-2 through IC 22-3-7, falsely classifies an employee as one (1) of the following commits worker's compensation fraud:**

(1) An independent contractor.

(2) A sole proprietor.

(3) An owner.

(4) A partner.

(5) An officer.

(6) A member in a limited liability company.

(b) Except as described in subsections (c) through (e), the offense described in subsection (a) is a Class A misdemeanor.

(c) The offense described in subsection (a) is a Level 6 felony if the:

(1) value of the obligation is less than one thousand dollars (\$1,000); or

(2) number of employees not covered by worker's compensation coverage is less than five (5).

(d) The offense described in subsection (a) is a Level 5 felony if the:

(1) value of the obligation is at least one thousand dollars (\$1,000) and less than five thousand dollars (\$5,000); or

(2) number of employees not covered by worker's compensation coverage is at least five (5) and less than fifty (50).

(e) The offense described in subsection (a) is a Level 3 felony if the:

(1) value of the obligation is at least five thousand dollars (\$5,000); or

(2) number of employees not covered by worker's compensation coverage is at least fifty (50)."

Page 10, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 40. IC 35-52-5-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 9.5. IC 5-16-13-14 defines a crime concerning quarterly wage reports.**

SECTION 41. IC 36-1-12-3, AS AMENDED BY P.L.172-2011, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The board may purchase or lease materials in the manner provided in IC 5-22 and perform any public work, by means of its own workforce, without awarding a contract whenever the cost of that public work project is estimated to be less than ~~one three~~ **hundred fifty thousand dollars (\$150,000); (\$300,000)**. Before a board may perform any work under this section by means of its own workforce, the political subdivision or agency must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work. For purposes of this subsection, the cost of a public work project includes:

(1) the actual cost of materials, labor, equipment, and rental;

(2) a reasonable rate for use of trucks and heavy equipment owned; and

(3) all other expenses incidental to the performance of the project.

(b) This subsection applies only to a municipality or a county. The workforce of a municipality or county may perform a public work described in subsection (a) only if:

(1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and
 (2) for a public work project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the board:

- (A) publishes a notice under IC 5-3-1 that:
 - (i) describes the public work that the board intends to perform with its own workforce; and
 - (ii) sets forth the projected cost of each component of the public work as described in subsection (a); and
- (B) determines at a public meeting that it is in the public interest to perform the public work with the board's own workforce.

A public work project performed by a board's own workforce must be inspected and accepted as complete in the same manner as a public work project performed under a contract awarded after receiving bids.

(c) When the project involves the rental of equipment with an operator furnished by the owner, or the installation or application of materials by the supplier of the materials, the project is considered to be a public work project and subject to this chapter. However, an annual contract may be awarded for equipment rental and materials to be installed or applied during a calendar or fiscal year if the proposed project or projects are described in the bid specifications.

(d) A board of aviation commissioners or an airport authority board may purchase or lease materials in the manner provided in IC 5-22 and perform any public work by means of its own workforce and owned or leased equipment, in the construction, maintenance, and repair of any airport roadway, runway, taxiway, or aircraft parking apron whenever the cost of that public work project is estimated to be less than one hundred thousand dollars (\$100,000).

(e) Municipal and county hospitals must comply with this chapter for all contracts for public work that are financed in whole or in part with cumulative building fund revenue, as provided in section 1(c) of this chapter. However, if the cost of the public work is estimated to be less than fifty thousand dollars (\$50,000), as reflected in the board minutes, the hospital board may have the public work done without receiving bids, by purchasing the materials and performing the work by means of its own workforce and owned or leased equipment.

(f) If a public works project involves a structure, an improvement, or a facility under the control of a department (as defined in IC 4-3-19-2(2)), the department may not artificially divide the project to bring any part of the project under this section."

Page 10, line 17, reset in roman "(a) A contract by".

Page 10, line 18, reset in roman "the board for public work must conform to".

Page 10, line 19, after "IC 5-16-7." insert "**IC 5-16-13.**".

Page 10, line 20, reset in roman "(b)".

Re-number all SECTIONS consecutively.

(Reference is to HB 1019 as printed February 17, 2015.)

and when so amended that said bill do pass.
 Committee Vote: Yeas 8, Nays 5.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 5, Nays 3.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1047, 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.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 33.

Page 2, line 36, after "commissioner" insert "**may keep the:**

(1) names of growers and handlers who are licensed under this chapter; and

(2) locations of licensed industrial hemp crops;

confidential for purposes of IC 5-14-3.

(b) The seed commissioner may share confidential information under subsection (a) with the state police department and law enforcement officers."

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 2. IC 26-3-7-6.1, AS AMENDED BY HEA 1549-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) Not more than ninety (90) days after the end of a licensee's fiscal year, the licensee shall file with the agency a current review level

financial statement or better financial statement that reflects the licensee's financial situation for the previous fiscal year. The financial statement must be submitted with the licensee's renewal forms and fees.

- (b) A financial statement submitted under this section must:
- (1) be prepared by an independent accountant certified under IC 25-2.1;
 - (2) comply with generally accepted accounting principles; and
 - (3) contain:
 - (A) an income statement;
 - (B) a balance sheet;
 - (C) a statement of cash flow;
 - (D) a statement of retained earnings;
 - (E) an aged accounts receivable listing detailing accounts that are ninety (90) days due, one hundred twenty (120) days due, and more than one hundred twenty (120) days due;
 - (F) a copy of the daily position record for the end of the licensee's fiscal year;
 - (G) the preparer's notes; and
 - (H) other information the agency requires.

The director may adopt rules under IC 4-22-2 to allow the agency to accept other substantial supporting documents instead of those listed to determine the financial solvency of the applicant if the director determines that providing the listed documents creates a financial or other hardship on the applicant or licensee.

(c) If the licensee has failed to timely file the financial statement, renewal form, or renewal fee as required in subsection (a), the agency may assess a fine as follows:

- (1) Fifty percent (50%) of the licensee's renewal fee for a financial statement, renewal form, or renewal fee that is at least **one (1) day and not more than sixty (60) days late**.
- (2) One hundred percent (100%) of the licensee's renewal fee for a financial statement, renewal form, or renewal fee that is more than sixty (60) days late.

(d) The agency may file a notice of hearing for any fines assessed under subsection (c)."

Delete page 3.

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

"SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

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

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

(c) The legislative council is urged to assign to the appropriate study committee the topic of issues related to the production and use of hemp oil that is produced from industrial hemp (as defined by IC 15-15-13-6).

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final

report to the legislative council on the topic in an electronic format under IC 5-14-6 not later than November 1, 2015.

(e) This SECTION expires December 31, 2015.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding the effective date in HEA 1549-2015, SECTION 7, for IC 26-3-7-6, the effective date of that SECTION is July 1, 2016, and not July 1, 2015.**

(b) This SECTION expires January 1, 2017."

Re-number all SECTIONS consecutively.

(Reference is to HB 1181 as reprinted February 13, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LEISING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1304, 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 18, delete "Vivitrol or a similar substance," and insert **"a federal Food and Drug Administration approved long acting, nonaddictive medication,"**

Page 4, line 4, after "to" insert **"complete an assessment and, when indicated,"**

Page 4, line 7, delete "using Vivitrol or" and insert **"a federal Food and Drug Administration approved long acting, nonaddictive medication,"**

Page 4, line 8, delete "a similar substance,"

Page 4, line 26, delete "using Vivitrol or" and insert **"a federal Food and Drug Administration approved long acting, nonaddictive medication,"**

Page 4, line 27, delete "a similar substance,"

Page 6, line 7, delete "using Vivitrol or" and insert **"a federal Food and Drug Administration approved long acting, nonaddictive medication,"**

Page 6, line 8, delete "a similar substance,"

Page 6, line 12, delete "means a developmental disability as" and insert **"has the meaning set forth"**.

Page 6, line 13, delete "defined".

Page 6, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 7. IC 11-12-3.7-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.8. As used in this chapter, "developmental disability" has the meaning set forth in IC 12-7-2-61."**

Page 6, line 26, after "treatment" insert **"addressing mental health and addiction"**.

Page 6, line 27, strike "addressing mental health and addiction".

Page 6, delete lines 29 through 35.

Page 6, line 40, after "disability," insert "**a developmental disability**,".

Page 7, line 5, after "disabilities," insert "**developmental disabilities**,".

Page 7, line 11, after "(3)" insert "**Pre-conviction diversion for adults with developmental disabilities**,".

(4),".

Page 7, line 13, delete "(4)" and insert "**(5)**,".

Page 7, line 15, delete "(5)" and insert "**(6)**,".

Page 7, line 16, delete "(6)" and insert "**(7)**,".

Page 7, line 18, delete "(7)" and insert "**(8)**,".

Page 7, line 20, delete "(8)" and insert "**(9) Post-conviction diversion for adults with developmental disabilities**,".

(10),".

Page 8, line 13, after "disability," insert "**a developmental disability**,".

Page 9, line 6, delete ":" and insert "**an assessment and, when indicated**:".

Page 9, line 9, delete "using Vivitrol" and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication**,".

Page 9, line 10, delete "or a similar substance,".

Page 10, line 1, after "disability," insert "**a developmental disability**,".

Page 11, line 42, delete "using Vivitrol or" and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication**,".

Page 12, line 1, delete "a similar substance,".

Page 14, line 35, after "to" insert "**complete an assessment and, when indicated**,".

Page 14, line 38, delete "Vivitrol or a" and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication**,".

Page 14, line 39, delete "similar substance,".

Page 15, line 20, delete "imprisonment." and insert "**imprisonment, unless any of the following conditions exist**:"

(1) The offense is a forcible felony or burglary classified as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(2) The defendant has a record that includes at least two (2) prior convictions for forcible felonies or a burglary classified as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(3) Other criminal proceedings, not arising out of the same incident, alleging commission of a felony are pending against the defendant.

(4) The defendant is on probation or parole and the appropriate parole or probation authority does not consent to the request.

(5) The defendant was admitted to a treatment program

under IC 12-23-7 or IC 12-23-8 (before their repeal) or under IC 12-23-7.1 or IC 12-23-8.1 (after June 30, 2015) on two (2) or more prior occasions within the preceding two (2) years."

Page 15, line 29, delete "and".

Page 15, line 31, after "IC 12-23-6.1;" insert "**and (3) the defendant is not disqualified under IC 12-23-6.1-1;**".

Page 18, line 5, after "minimum" insert "**or nonsuspendible**".

Page 21, line 31, delete "Naltrexone, Vivitrol, or a similar substance." and insert "**A federal Food and Drug Administration approved long acting, nonaddictive medication for alcohol or opioid treatment**,".

Page 21, line 40, delete "Vivitrol or a similar substance," and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication for alcohol or opioid treatment**,".

Page 27, line 6, delete "Vivitrol or a" and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication**,".

Page 27, line 7, delete "similar substance,".

Page 28, line 14, after "addiction," insert "**intellectual disability, developmental disability**,".

Page 28, line 17, after "addiction" insert "**or the division of disability and rehabilitative services**".

Page 29, line 18, after "addiction," insert "**intellectual disability, developmental disability**,".

Page 29, line 21, after "addiction" insert "**or the division of disability and rehabilitative services**".

Page 30, line 41, delete ", including:" and insert "**based on an assessment and may include, when appropriate**:".

Page 31, line 2, delete "Vivitrol or a" and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication**".

Page 31, line 3, delete "similar substance,".

Page 31, line 4, after "addiction," insert "**intellectual disability, developmental disability**,".

Page 32, delete lines 29 through 42.

Page 33, delete lines 1 through 37.

Page 33, line 41, delete "mental health advocate," and insert "**court appointed forensic advocate**,".

Page 33, line 41, delete "county mental health" and insert "**county court appointed forensic**".

Page 33, line 42, delete "advocate," and insert "**advocate program**,".

Page 33, line 42, delete "mental health" and insert "**court appointed forensic**".

Page 34, line 2, after "disability" insert "**, a developmental disability**,".

Page 34, line 3, delete "IC 35-31.5-2-197.3" and insert "IC 35-31.5-2-68.5".

Page 34, line 5, delete "197.3" and insert "**68.5**".

Page 34, line 5, delete ""Mental health" and insert ""**Court appointed forensic**".

Page 34, line 10, after "IC 11-12-3.7-4.5)" insert ", a developmental disability,".

Page 34, line 13, after "disability" insert ", a developmental disability,".

Page 34, line 16, after "disability" insert ", a developmental disability,".

Page 34, line 19, after "disability" insert ", a developmental disability,".

Page 34, line 30, delete "Mental Health" and insert "**Court Appointed Forensic**".

Page 34, line 31, after "Disabilities" insert ", **Developmental Disabilities**,".

Page 34, line 32, delete "mental health" and insert "**court appointed forensic**".

Page 34, line 33, after "disability" insert ", a developmental disability,".

Page 34, line 35, delete "mental health" and insert "**court appointed forensic**".

Page 34, line 36, after "disability" insert ", a developmental disability,".

Page 34, line 38, delete "mental health" and insert "**court appointed forensic**".

Page 34, line 40, after "disability" insert ", a developmental disability,".

Page 34, line 42, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 2, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 4, after "disability" insert ", a developmental disability,".

Page 35, line 5, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 7, after "disability" insert ", a developmental disability,".

Page 35, line 11, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 12, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 14, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 16, after "disability" insert ", a developmental disability,".

Page 35, line 19, delete "mental" and insert "**court appointed forensic**".

Page 35, line 20, delete "health".

Page 35, line 21, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 27, after "disability" insert ", a developmental disability,".

Page 35, line 28, delete "mental health" and insert "**court appointed forensic**".

Page 35, line 31, after "disability" insert ", a developmental disability,".

Page 35, line 32, delete "mental health" and insert "**court**

appointed forensic".

Page 35, line 35, after "disability" insert ", a developmental disability,".

Page 37, line 42, delete "Receive:" and insert "**Receive, based on an assessment and, when indicated:**".

Page 38, line 3, delete "Vivitrol or a" and insert "**a federal Food and Drug Administration approved long acting, nonaddictive medication**".

Page 38, line 4, delete "similar substance,".

Page 42, line 26, after "addiction" insert "**and the division of disability and rehabilitative services**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1304 as printed March 13, 2015.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Engrossed House Bill 1318, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"(k) "Private toll facility", as used in this chapter, means any new or existing highway, toll road, street, motorway, road, or bridge owned or operated by a private entity, including all tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, tollhouses, service stations, and administration, storage, and other buildings and facilities necessary or desirable for the operation of a private toll facility, together with all property, rights, easements, and interests that may be acquired by the private entity for the construction or operation of the facility. The term includes any subsequent improvement, betterment, enlargement, extension, or reconstruction of an existing private toll facility."

Page 3, line 25, after "highway" insert "**(except in the case of a private toll facility)**".

Page 4, line 18, after "utility" insert ", **any communications service provider**,".

Page 6, between lines 1 and 2, begin a new line block indented and insert:

"(2) the Indiana finance authority;

(3) the state or any of its agencies, departments, boards, commissions, authorities, or instrumentalities;"

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

Page 6, line 3, delete "(3)" and insert "(5)".

Page 14, line 9, after "IC 8-1-2-1(a)" delete "." and insert ", **other than rights-of-way, property, or projects that are the subject of a public-private agreement under IC 8-15.5 or IC 8-15.7 or communications systems infrastructure,**

including all infrastructure used for wireless communications, owned by or under the jurisdiction of the Indiana finance authority or the state or any of its agencies, departments, boards, commissions, authorities, or instrumentalities."

(Reference is to EHB 1318 as printed April 3, 2015.)
and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred House Bill 1472, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.1-26-15, AS AMENDED BY P.L.288-2013, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 15. (a) **Subject to subsection (d)**, a taxpayer may carry forward an unused credit for the number of years determined by the corporation, not to exceed nine (9) consecutive taxable years, beginning with the taxable year after the taxable year in which the taxpayer makes the qualified investment.

(b) The amount that a taxpayer may carry forward to a particular taxable year under this section equals the unused part of a tax credit allowed under this chapter.

(c) A taxpayer may:

- (1) claim a tax credit under this chapter for a qualified investment; and
- (2) carry forward a remainder for one (1) or more different qualified investments;

in the same taxable year.

(d) **This subsection applies only to a taxpayer that:**

- (1) is not a pass through entity; and
- (2) proposes at least five hundred million dollars (\$500,000,000) in qualified investment.

If a tax credit awarded under this chapter exceeds a taxpayer's state income tax liability for the taxable year, notwithstanding subsection (a), the corporation may accelerate to that taxable year the excess amount of the tax credit that could otherwise be carried forward under subsection (a). The excess amount of the tax credit accelerated under this subsection shall be discounted as determined under a written agreement entered into by the taxpayer and the corporation. The discounted amount of the excess tax credit accelerated under this subsection as determined by the corporation may be remitted to the taxpayer as provided in the written agreement between the corporation and the taxpayer. The requirements for an agreement under section 21(11) of this chapter do not apply

to this subsection. This subsection expires December 31, 2025.

(e) **A written agreement under subsection (d) may contain a provision for payment of liquidated damages:**

- (1) to the corporation for failure to comply with the conditions set forth in this chapter and the agreement entered into by the corporation and taxpayer under this chapter; and
- (2) that are in addition to an assessment made by the department for noncompliance under section 23 of this chapter.

This subsection expires December 31, 2025.

(f) **The total aggregated amount of tax credits that the corporation may discount under subsection (d) and section 16(d) of this chapter in a state fiscal year may not exceed twenty million dollars (\$20,000,000), as determined before the discount is applied. This subsection expires December 31, 2025.**

SECTION 2. IC 6-3.1-26-16, AS AMENDED BY P.L.199-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 16. (a) If a pass through entity does not have state tax liability against which the tax credit may be applied, a shareholder, **member**, or partner of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, **member**, or partner is entitled.

(b) **Subject to subsection (d), a shareholder, member, or partner of a pass through entity that is entitled to a tax credit under this section may carry forward an unused credit for the number of years determined by the corporation, not to exceed nine (9) consecutive taxable years, beginning with the taxable year after the taxable year in which the pass through entity makes the qualified investment.**

(c) **The amount that a shareholder, member, or partner may carry forward to a particular taxable year under this section equals the unused part of a tax credit allowed under this chapter to which the shareholder, member, or partner is entitled.**

(d) **Notwithstanding subsection (b), the corporation may accelerate to the current taxable year the excess tax credit amount that could otherwise be carried forward by all shareholders, members, or partners of a pass through entity under subsection (b). The excess amount of the tax credit accelerated under this subsection shall be discounted as determined under a written agreement entered into by the pass through entity and the corporation. The discounted amount of the excess tax credit accelerated under this subsection as determined by the corporation may be remitted to the pass through entity as provided in the written agreement between the corporation and the pass through entity. The requirements for an agreement under section**

21(11) of this chapter do not apply to this subsection. This subsection expires December 31, 2025.

(e) A written agreement under subsection (d) may contain a provision for payment of liquidated damages:

- (1) to the corporation for failure to comply with the conditions set forth in this chapter and the agreement entered into by the corporation and pass through entity under this chapter;**
- (2) that are personally guaranteed by the shareholders, members, or partners of the pass through entity; and**
- (3) that are in addition to an assessment made by the department for noncompliance under section 23 of this chapter.**

This subsection expires December 31, 2025.

(f) The total aggregated amount of tax credits that the corporation may discount under subsection (d) and section 15(d) of this chapter in a state fiscal year may not exceed twenty million dollars (\$20,000,000), as determined before the discount is applied. This subsection expires December 31, 2025.

SECTION 3. IC 6-3.1-26-20, AS AMENDED BY P.L.288-2013, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 20. (a) The corporation shall certify the amount of the qualified investment that is eligible for a credit under this chapter. In determining the credit amount that should be awarded, the corporation shall grant a credit only for the amount of the qualified investment that is directly related to:

- (1) expanding the workforce in Indiana; or
- (2) substantially enhancing the logistics industry and improving the overall Indiana economy.

(b) The total amount of credits that the corporation may approve under this chapter for a state fiscal year for all taxpayers for all qualified investments is:

- (1) fifty million dollars (\$50,000,000) for credits based on a qualified investment that is not being claimed as a logistics investment; and
- (2) ten million dollars (\$10,000,000) for credits based on a qualified investment that is being claimed as a logistics investment.

For purposes of applying the limit under this subsection, a tax credit that is accelerated under section 15(d) or 16(d) of this chapter shall be valued at the amount of the tax credit before the tax credit is discounted.

(c) A person that desires to claim a tax credit for a qualified investment shall file with the department, in the form that the department may prescribe, an application:

- (1) stating separately the amount of the credit awards for qualified investments that have been granted to the taxpayer by the corporation that will be claimed as a credit that is covered by:
 - (A) subsection (b)(1); and
 - (B) subsection (b)(2);
- (2) stating separately the amount sought to be claimed as a credit that is covered by:

(A) subsection (b)(1); and

(B) subsection (b)(2); and

(3) identifying whether the credit will be claimed during the state fiscal year in which the application is filed or the immediately succeeding state fiscal year.

(d) The department shall separately record the time of filing of each application for a credit award for a qualified investment covered by subsection (b)(1) and for a qualified investment covered by subsection (b)(2) and shall, except as provided in subsection (e), approve the credit to the taxpayer in the chronological order in which the application is filed in the state fiscal year. The department shall promptly notify an applicant whether, or the extent to which, the tax credit is allowable in the state fiscal year proposed by the taxpayer.

(e) If the total credit awards for qualified investments that are covered by:

(1) subsection (b)(1); and

(2) subsection (b)(2);

including carryover credit awards covered by each subsection for a previous state fiscal year, equal the maximum amount allowable in the state fiscal year, an application for such a credit award that is filed later for that same state fiscal year may not be granted by the department. However, if an applicant for which a credit has been awarded and applied for with the department fails to claim the credit, an amount equal to the credit previously applied for but not claimed may be allowed to the next eligible applicant or applicants until the total amount has been allowed.

SECTION 4. IC 6-3.1-26-26, AS AMENDED BY P.L.137-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 26. ~~(a)~~ This chapter applies to taxable years beginning after December 31, 2003.

~~(b) Notwithstanding the other provisions of this chapter, the corporation may not approve a credit for a qualified investment made after December 31, 2016. However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, 2017, forward to a taxable year beginning after December 31, 2016, in the manner provided by section 15 of this chapter.~~

(Reference is to HB 1472 as reprinted February 20, 2015.) and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 44

Senate Resolution 44, introduced by Senator Merritt:

A SENATE RESOLUTION congratulating Olivia Keith for being named one of the top youth volunteers in Indiana during the 20th annual Prudential Spirit of Community Awards.

Whereas, On February 10, 2015, Olivia Keith, an esteemed resident of Fishers and student at Sand Creek Intermediate School, was named one of the top two youth volunteers in the state during the 20th annual Prudential Spirit of Community Awards;

Whereas, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young people across the country for outstanding acts of volunteerism;

Whereas, Olivia earned this award by giving generously of her time and talents to the Brain Injury Association of America;

Whereas, Olivia was inspired to raise money for the association following her father's stroke and her mother's two traumatic brain injuries;

Whereas, In addition to fundraising for the cause, Olivia works to educate others her age regarding the dangers of brain injuries, particularly concussions, through online safety tips, through a game she developed to make her safety tips fun, and by donating bike helmets to fellow students; and

Whereas, The success of Indiana and the strength of its communities depend, in great measure, upon the dedication of young people like Olivia Keith who use their considerable talents and resources to serve others: Therefore,

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

SECTION 1. That the Indiana Senate congratulates Olivia Keith on the significant achievement of being named one of the top youth volunteers in Indiana during the 20th annual Prudential Spirit of Community Awards.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of the Resolution to Olivia Keith and the Principal of Sand Creek Intermediate School, Brent Farrell.

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

Senate Concurrent Resolution 45

Senate Concurrent Resolution 45, introduced by Senator Boots:

A CONCURRENT RESOLUTION honoring the life and work of Ernie Pyle on the 70th anniversary of his death.

Whereas, April 18, 2015 marks the occasion of the 70th anniversary of the death of Ernie Pyle, one of history's greatest war correspondents;

Whereas, Ernie was killed in the Pacific Theater during World War II on Ie Shima, just west of Okinawa, by Japanese

machine-gun fire among the brave soldiers about which he wrote, having gone to observe the advance of the well-known division of the 24th Army Corps;

Whereas, Ernie began his journalism career early in Indiana, where he was born on August 3, 1900, in Dana, Indiana to William and Maria Taylor Pyle, working on The Indiana Daily Student throughout his stay at Indiana University;

Whereas, Later taking a position at The Washington News, Ernie worked as a copy editor for three years, took on various positions at The Evening World and The Evening Post, and eventually became managing editor of The Washington News from 1932 to 1935;

Whereas, During this time, Ernie was particularly moved by the story of the burial of the Unknown Soldier in Arlington Cemetery and soon desired to embark on his own traveling assignments;

Whereas, Ernie's beloved wife Geraldine traveled with him on these initial trips, and his simple letters home recalling the Hauptmann trial in New Jersey, the drought stricken states of Montana and North Dakota, and the labors of the Coast Guard sailing the Arctic Sea began to capture the nation;

Whereas, Ernie's travels then took him to the fronts of World War II, living and writing alongside the soldiers in places such as Africa, England, and Italy, which allowed him to convey the journey each soldier was undertaking, from their victories, to their fears, losses, and homesickness;

Whereas, By helping those back home understand life on the front, Ernie's work became a must-read for 14 million households across the United States, including the White House;

Whereas, Upon Ernie's departure from the European theater, the remaining soldiers lamented his leave, his camaraderie and dedication to sharing their stories having become greatly valued, but Ernie was eventually war-bound once again;

Whereas, During his time in the Pacific, Ernie reported on everything from the islands themselves, to the missions of the marines and crews that surrounded him, to his own post-war hopes and plans, which were the dreams of the soldier in the foxhole as much as they were his own;

Whereas, Ernie's death was mourned by the soldiers and by the country as a whole, President Truman remembering Ernie as a spokesman of the ordinary American in arms doing so many extraordinary things; and

Whereas, Such dedication to journalism should be recognized and commended: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the life and work of Ernie Pyle on the 70th anniversary of his death.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to The Ernie Pyle World War II Museum in Dana, Indiana.

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

SENATE MOTION

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

HCR 62 Senator Head

Honoring Whitney Jennings.

HCR 65 Senator Messmer

Recognizing Kiwanis International on the occasion of its 100th anniversary.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 62

House Concurrent Resolution 62, sponsored by Senator Head:

A CONCURRENT RESOLUTION honoring Whitney Jennings.

Whereas, Whitney Jennings, a graduate of Logansport High School, was named the 2014 Indiana Miss Basketball;

Whereas, Over her career, Whitney Jennings generated some amazing numbers;

Whereas, Whitney Jennings averaged 24.2 points as a freshman, 25.4 as a sophomore, and 23.6 as a junior, ending her career with 2,641, fifth on the state's career scoring list; she also averaged at least seven assists each of the past three seasons and at least 2.9 steals each of her four years;

Whereas, Logansport coach Jerry Hoover credits Whitney Jennings' work ethic for her success, stating that "She probably spends more time at it than any player I've ever coached";

Whereas, In recognition of her outstanding abilities, Whitney Jennings has received numerous awards and recognitions, including being named to the Associated Press All-State first team, Indiana Basketball Coaches Association Underclass first team, Hoosier Basketball Magazine first team, and Indiana

Coaches of Girls Sports Association first team. She was also a core member of the Indiana Junior All-Star Team;

Whereas, Whitney Jennings was also named the 2013-14 Gatorade Indiana Girls Basketball Player of the Year and was one of 20 high school seniors selected to the 2014 Parade All-America Girls Basketball Team;

Whereas, In addition to her basketball accomplishments, Whitney Jennings earned four varsity letters in soccer and was named to the 2012 and the 2013 Indiana Soccer Coaches Association District 3 first team; was the number one singles player in tennis for Logansport High School with a career record of 68-6, was the individual sectional champion in 2012 and 2013, and was named Honorable Mention All-State in singles by the Indiana High School Tennis Coaches Association in 2012 and 2013;

Whereas, Despite the long hours she puts in on the basketball court, Whitney Jennings maintained a 3.99 GPA in the classroom, is a long time member of the 4-H Youth Development Organization, and has volunteered locally as a peer tutor, library student assistant, and youth basketball coach;

Whereas, Whitney Jennings attends the University of Iowa; and

Whereas, Outstanding abilities and accomplishments such as these deserve special recognition: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Whitney Jennings on being selected as the 2014 Indiana Miss Basketball and wishes her continued success in all her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Whitney Jennings and her family.

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 Concurrent Resolution 65

House Concurrent Resolution 65, sponsored by Senator Messmer:

A CONCURRENT RESOLUTION recognizing Kiwanis International on the occasion of its 100th anniversary.

Whereas, Kiwanis International is one of the largest service organizations in the world, with more than 600,000 members of all ages and abilities in more than 80 nations;

Whereas, The world headquarters for Kiwanis International is located in Indianapolis;

Whereas, Kiwanis clubs include a family of service clubs for members of all ages, including Circle K International in colleges and universities, Key Clubs in high schools, Builders Clubs in middle schools, and Kiwanis Kids clubs in elementary schools;

Whereas, Kiwanis International offers Aktion Clubs, the only service club for adults who live with disabilities;

Whereas, Throughout Indiana, the members of these clubs are devoted to improving local and global communities around the world, one child and one community at a time;

Whereas, In addition to improving lives, Kiwanis club members promote the development of community leaders, positive role models, intercultural understanding and cooperation, and opportunities for fellowship, personal growth, professional development, and community service;

Whereas, The first Kiwanis club was begun in Detroit, Michigan, in 1915; and

Whereas, Kiwanis celebrates its centennial anniversary in 2015: 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 commends Kiwanis International for improving millions of lives in thousands of communities.

SECTION 2. That the Indiana General Assembly recognizes thousands of Kiwanis members across Indiana for making this state and its communities better places to live and work.

SECTION 3. That the Indiana General Assembly urges Governor Pence to proclaim June 26, 2015, as Kiwanis Day in Indiana as thousands of Kiwanis family members from around the world will come together in Indianapolis to celebrate the 100th anniversary of Kiwanis.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the leadership of Kiwanis International.

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

SENATE MOTION

Madam President: I move that the Motion to Concur on Senate Bill 508, filed April 2, 2015, be withdrawn from further consideration by the Senate.

STEELE

Motion prevailed.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Tuesday, April 7, 2015, signed House Enrolled Acts: 1017, 1021, 1025, 1042, 1046, 1053, 1056, 1068, 1131, 1140, 1142, 1164, 1184, 1185, 1188, 1208, 1216, 1263, 1283, 1335, 1362, 1454, 1501, 1539, and 1617.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Thursday, April 2, 2015, signed Senate Enrolled Act: 50.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 2nd day of April, 2015, signed Senate Enrolled Act: 50.

SUE ELLSPERMANN
Lieutenant Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On Thursday, April 2, 2015, I signed the following Senate Enrolled Acts into law: SEA 50.

MICHAEL R. PENCE
Governor

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I have received a request from Senator Mishler to be excused from all votes on Tuesday, April 7, 2015 due to an unavoidable conflict and that request was hereby granted. He shall be excused from all Senate action occurring on both Senate Calendars. An appropriate entry shall be made in the Senate Journal.

LONG

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1015

Senator Merritt called up Engrossed House Bill 1015 for

second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1044

Senator Boots called up Engrossed House Bill 1044 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1044-1)

Madam President: I move that Engrossed House Bill 1044 be amended to read as follows:

Page 9, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 4. IC 6-9-48 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 48. Orange County Food and Beverage Tax

Sec. 1. This chapter applies to Orange County.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the county may adopt an ordinance to impose an excise tax, known as the county food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the county may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the county food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the county fiscal body adopts an ordinance under subsection (a), the county fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the county fiscal body adopts an ordinance under subsection (a), the county food and beverage tax applies to transactions that occur after the later of the following:

- (1) The day specified in the ordinance.**
- (2) The last day of the month that succeeds the month in which the ordinance is adopted.**

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;**
- (2) in the county; and**
- (3) by a retail merchant for consideration.**

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;**
- (2) food sold in a heated state or heated by a retail merchant;**
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring**

cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport the food).

(c) The county food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in the following transactions:

(1) A transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

(2) A transaction that occurs at a historic hotel (as defined in IC 4-33-2-11.1), the riverboat operated under IC4-33-6.5, and other properties operated in conjunction with the historic hotel enterprise located in Orange County, including golf courses.

Sec. 5. The county food and beverage tax rate:

- (1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and**
- (2) may not exceed one percent (1%);**

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by the county, the county fiscal officer shall establish a food and beverage tax receipts fund.

(b) The county fiscal officer shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the food and beverage tax receipts fund must be used by the county only for the following purposes:

(1) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

(2) For the following purposes:

- (A) Storm water, sidewalk, street, park, and parking improvements necessary to support tourism in the county.**

(B) Public safety.

(C) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in clauses (A) through (B).

Revenue derived from the imposition of a tax under this chapter may be treated by the county as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the county.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1044 as printed March 27, 2015.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1045

Senator Ford called up Engrossed House Bill 1045 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1050

Senator Glick called up Engrossed House Bill 1050 for second reading. The bill was read a second time by title. After discussion, Senator Glick withdrew the call.

Engrossed House Bill 1102

Senator Steele called up Engrossed House Bill 1102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1119

Senator Steele called up Engrossed House Bill 1119 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1183

Senator Patricia Miller called up Engrossed House Bill 1183 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

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

Engrossed House Bill 1264

Senator Holdman called up Engrossed House Bill 1264 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1264-1)

Madam President: I move that Engrossed House Bill 1264 be amended to read as follows:

Page 1, line 3, delete "2016]:" and insert "2015]:".

Page 2, line 20, delete "The" and insert "After June 30, 2016, the".

Page 2, line 28, delete "The" and insert "After June 30, 2016, the".

Page 2, line 39, delete "If" and insert "After June 30, 2016, if".

Page 3, line 7, after "the" insert "political subdivision has sixty (60) days after the date the state board of accounts notifies the political subdivision of its findings to correct the violations. If the violations are not corrected within the required period, the".

Page 4, line 33, delete "2016]:" and insert "2015]:".

Page 5, line 1, delete "The" and insert "After June 30, 2016, the".

(Reference is to EHB 1264 as printed March 27, 2015.)

HOLDMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1273

Senator Pete Miller called up Engrossed House Bill 1273 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1273-1)

Madam President: I move that Engrossed House Bill 1273 be amended to read as follows:

Page 1, line 3, after "1.5." insert "(a)".

Page 1, line 6, delete "transactions at:" and insert "sales made:".

Page 1, line 7, after "(A)" insert "by a professional soccer team that plays the majority of its home games at".

Page 1, line 7, after "Stadium" delete "; or" and insert "Stadium (or its successor);

(B) by retail merchants while selling at the Michael A. Carroll Track and Soccer Stadium (or its successor); or".

Page 1, line 8, delete "(B)" and insert "(C) by or at".

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

"(b) Taxpayers operating at the Michael A. Carroll Track and Soccer Stadium (or its successor) and taxpayers operating at the hotel shall report annually, in the form and manner prescribed by the department, the information that the department deems necessary to make the accounting required by this section. Taxpayers that file on a consolidated basis shall annually file an informational return separately reporting retail sales made at the Michael A. Carroll Track and Soccer Stadium (or its successor) and at

the hotel."

Page 1, line 13, beginning with "This" begin a new paragraph.

Page 1, line 13, delete "This" and insert "(c) This".

Page 1, line 13, delete "commissioner of the department" and insert "office of management and budget".

Page 2, line 1, after "3.5." insert "(a)".

Page 2, line 3, delete "under this" and insert "on the wages, salaries, and contractual payments paid by:

(1) a professional soccer team that plays the majority of its home games at the Michael A. Carroll Track and Soccer Stadium (or its successor) to employees of the professional soccer team, including payments to professional athletes for professional athletic services; or".

Page 2, delete lines 4 through 6.

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"(b) Taxpayers operating at the Michael A. Carroll Track and Soccer Stadium (or its successor) and taxpayers operating at the hotel shall report annually, in the form and manner prescribed by the department, the information that the department deems necessary to make the accounting required by this section. Taxpayers that file on a consolidated basis shall annually file an informational return separately reporting the wages, salaries, and contractual payments made by a professional soccer team to employees of the professional soccer team and the wages, salaries, and contractual payments made by the hotel."

Page 2, line 11, beginning with "This" begin a new paragraph.

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

Page 2, line 11, delete "commissioner of the department" and insert "office of management and budget".

Page 5, line 17, delete "on income earned, as determined by the" and insert "collected on the wages, salaries, and contractual payments paid by:

(1) a professional soccer team that plays the majority of its home games at the Michael A. Carroll Track and Soccer Stadium (or its successor) to employees of the professional soccer team, including payments to professional athletes for professional athletic services; or".

Page 5, delete lines 18 through 19.

Page 5, line 27, after "subsection." insert "Taxpayers operating at the Michael A. Carroll Track and Soccer Stadium (or its successor) and taxpayers operating at the hotel shall report annually, in the form and manner prescribed by the department, the information that the department deems necessary to make the accounting required by this subsection. Taxpayers that file on a consolidated basis shall annually file an informational return separately reporting the wages, salaries, and contractual payments made by a professional soccer team to employees of the professional soccer team and the wages, salaries, and contractual payments made by the hotel."

Page 5, line 28, delete "commissioner of the department" and

insert "office of management and budget".

Page 6, line 4, delete "commissioner of the department of state revenue" and insert "office of management and budget".

Page 6, line 31, after "Stadium" delete ";" and insert "(or its successor);".

Page 7, line 2, delete "commissioner of the department of state revenue" and insert "office of management and budget".

Page 7, line 24, after "Stadium" delete "." and insert "(or its successor)".

Page 7, line 29, after "council" insert "and the department of state revenue".

Page 7, line 31, after "council" insert "and the department of state revenue".

Page 9, line 21, after "Stadium" delete "," and insert "(or its successor)".

Page 9, line 33, delete "commissioner of the" and insert "office of management and budget".

Page 9, line 34, delete "department of state revenue".

Page 9, line 40, delete "commissioner of the department of state revenue" and insert "office of management and budget".

Page 10, line 12, after "Stadium" insert "(or its successor)".

Page 10, line 30, after "Stadium" insert "(or its successor)".

Page 10, line 38, after "University," insert "the department of state revenue,".

Page 11, line 2, delete "commissioner of the department of state revenue" and insert "office of management and budget".

Page 11, line 4, delete "collected that are" and insert "accounted for under IC 6-2.5-10-1.5;".

Page 11, delete lines 5 through 7.

Page 11, line 8, delete "collected that are" and insert "accounted for under IC 6-3-7-3.5;".

Page 11, delete lines 9 through 10.

Page 11, line 28, delete "commissioner of" and insert "office of management and budget".

Page 11, line 29, delete "the department of state revenue".

Page 11, line 31, after "University," insert "the department of state revenue,".

Page 11, between lines 31 and 32, begin a new paragraph and insert:

"Sec. 5. Before October 1 of each year, the department of state revenue shall certify to the budget committee, the budget agency, the trustees of Indiana University, and the Marion County city-county council the amounts deposited in the state general fund under section 4 of this chapter."

Page 11, line 32, delete "Sec. 5." and insert "Sec. 6.".

Page 11, line 35, after "Stadium" insert "(or its successor)".

(Reference is to EHB 1273 as printed March 27, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1273-3)

Madam President: I move that Engrossed House Bill 1273 be amended to read as follows:

Page 10, between lines 34 and 35, begin a new line block indented and insert:

"(4) The minority and women's participation plan adopted under section 6 of this chapter has been reviewed by the budget committee."

Page 11, after line 42, begin a new paragraph and insert:

"Sec. 6. (a) As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

(b) As used in this section, "plan" means a minority and women's participation plan adopted under this section.

(c) As used in this section, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

(d) In addition to any other requirements that apply under state law, the trustees of Indiana University shall adopt a minority and women's participation plan for capital improvement projects under this chapter.

(e) The following apply to a plan adopted under this section:

(1) The plan must include goals for the participation of minority business enterprises and women's business enterprises in the capital improvement projects. These goals must be at least equal to the participation goals that apply to other capital improvement projects undertaken by Indiana University. However, the plan must specifically address the extent to which it is feasible to implement greater participation goals in order to reflect the number of minority business enterprises and women's business enterprises in the community in which the capital improvement project will undertaken.

(2) The plan must identify the actions that the university will take in its efforts to achieve the participation goals under subdivision (1) and to provide employment opportunities for individuals residing in the community in which the capital improvement project will be undertaken. These actions must include outreach programs to:

(A) inform businesses and individuals about the participation goals under subdivision (1) and the employment opportunities for individuals; and

(B) assist businesses and individuals in taking advantage of these opportunities under the participation goals and employment opportunities.

(3) The plan must provide that one (1) or more individuals or private contractors must be dedicated to coordinating and overseeing the efforts under subdivision (2) to meet the participation goals and to provide employment opportunities for individuals residing in the community in which the capital improvement project will be undertaken.

(f) The plan must be reviewed by the budget committee before bonds may be issued under this chapter.

(g) The university must report quarterly to the budget committee, the governor's commission on minority and women's business enterprises, and the legislative council (in

an electronic format under IC 5-14-6) regarding the following:

(1) The planned and actual participation of minority business enterprises and women's business enterprises in the capital improvement projects.

(2) The activities undertaken under subsection (e)(2) concerning efforts to achieve the participation goals and to provide employment opportunities."

(Reference is to EHB 1273 as printed March 27, 2015.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 370: yeas 13, nays 36. Motion failed.

SENATE MOTION
(Amendment 1273-2)

Madam President: I move that Engrossed House Bill 1273 be amended to read as follows:

Page 6, line 6, delete "food" and insert **"innkeeper's"**.

Page 6, line 7, delete "and beverage".

Page 7, line 22, delete "admission" and insert **"admissions"**.

Page 7, line 25, delete "admission" and insert **"admissions"**.

Page 9, line 19, delete "admission" and insert **"admissions"**.

Page 9, line 22, delete "admission" and insert **"admissions"**.

Page 9, line 26, delete "admission" and insert **"admissions"**.

Page 9, line 30, delete "admission" and insert **"admissions"**.

Page 9, line 36, delete "admission" and insert **"admissions"**.

Page 9, line 38, delete "admission" and insert **"admissions"**.

Page 9, line 42, delete "admission" and insert **"admissions"**.

Page 11, line 24, delete "admission" and insert **"admissions"**.

Page 11, line 26, delete "(C)" and insert **"(B)"**.

Page 12, line 7, delete "\$1,500,000" and insert **"(\$1,500,000)"**.

(Reference is to EHB 1273 as printed March 27, 2015.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1300

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

SENATE MOTION
(Amendment 1300-3)

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

Page 1, line 12, after "until" insert ":

Page 1, line 12, strike "it is approved by the commission."

Page 1, between lines 12 and 13, begin a new line line double block indented and insert:

"(A) it is approved by an order issued by the commission; or

(B) it is approved as the result of the commission not having issued an order approving or denying the

ordinance or other regulation within the period set forth in section 5.5(2) of this chapter."

Page 2, line 27, after "commission." insert **"If the commission does not issue an order approving or denying the ordinance or other regulation at the first commission meeting, or at any of the next three (3) commission meetings, the ordinance or other regulation is automatically approved and effective without an order of the commission."**

Page 3, between lines 1 and 2, begin a new line block indented and insert:

"(6) If the commission denies an ordinance or other regulation, the commission's denial must specify the defects in the ordinance or other regulation that are the basis for the denial."

(Reference is to EHB 1300 as reprinted April 1, 2015.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1305

Senator M. Young called up Engrossed House Bill 1305 for second reading. The bill was re-read a second time by title.

SENATE MOTION (Amendment 1305-1)

Madam President: I move that Engrossed House Bill 1305 be amended to read as follows:

Page 22, line 26, delete "misdemeanor." and insert **"infraction."**

Page 22, line 40, delete "misdemeanor." and insert **"infraction."**

Page 23, line 13, delete "misdemeanor." and insert **"infraction."**

Page 24, line 1, delete "A" and insert **"Except as provided in subsection (e), a"**.

Page 24, between lines 2 and 3, begin a new paragraph and insert:

"(e) Subsection (d) does not apply to a person who owns or operates a vehicle or combination of vehicles that:

(1) contains parts and accessories; and

(2) is equipped;

as required under regulations of the United States Department of Transportation."

Page 24, delete lines 3 through 14, begin a new paragraph, and insert:

"SECTION 60. IC 9-19-14-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 6: (a) This section does not apply to a person who owns or operates a vehicle or combination of vehicles that:

(1) contains parts and accessories; and

(2) is equipped;

as required under regulations of the United States Department of Transportation.

(b) Except as provided in subsection (e), a person who violates this chapter commits a Class C infraction.

(c) A person commits a Class E misdemeanor if the person knowingly or intentionally violates section 5.5 of this chapter."

Page 34, line 6, delete "B misdemeanor." and insert **"A infraction."**

Page 34, line 25, delete "B" and insert **"A infraction."**

Page 34, delete lines 26 through 42.

Delete page 35.

Page 36, delete lines 1 through 5.

Page 36, line 31, delete "B misdemeanor." and insert **"A infraction."**

Page 36, delete lines 32 through 40.

Page 37, line 15, delete "Class B misdemeanor." and insert **"Class A misdemeanor. However, the offense is a Level 6 felony if the fact that the vehicle is a rebuilt vehicle causes the fair market value of the vehicle to decline by at least seven hundred fifty dollars (\$750)."**

Page 38, line 21, delete "B misdemeanor." and insert **"A infraction."**

Page 38, line 40, delete "B misdemeanor." and insert **"A infraction."**

Page 39, line 10, after "Class" delete "B" and insert **"A infraction."**

Page 39, delete line 11.

Page 39, line 26, delete "B misdemeanor." and insert **"A infraction."**

Page 39, line 41, delete "B misdemeanor." and insert **"A infraction."**

Page 48, delete lines 25 through 42.

Page 49, delete lines 1 through 14.

Page 67, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 129. IC 35-44.1-2-13, AS ADDED BY P.L.158-2013, SECTION 508, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) Except as provided in subsection (b), a person who, **with the intent to obstruct vehicular or pedestrian traffic, recklessly, knowingly, or intentionally** obstructs vehicular or pedestrian traffic commits obstruction of traffic, a Class B misdemeanor.

(b) The offense described in subsection (a) is:

(1) a Class A misdemeanor if the offense includes the use of a motor vehicle; and

(2) a Level 6 felony if the offense results in serious bodily injury.

(c) A person who unreasonably obstructs vehicular or pedestrian traffic commits a Class C infraction.

(d) It is a defense to an action under subsection (c) that the obstruction was caused by a vehicle malfunction."

Page 67, delete lines 23 through 30.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1305 as printed March 27, 2015.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1349

Senator Hershman called up Engrossed House Bill 1349 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1349-4)

Madam President: I move that Engrossed House Bill 1349 be amended to read as follows:

Page 2, line 33, delete "P.L. 205-2013," and insert "SEA 171-2015, SECTION 7,".

Page 2, line 34, delete "SECTION 80,".

Page 10, line 13, delete "831(c)" and insert "832(c)".

Page 12, line 37, delete "831(c)" and insert "832(c)".

Page 34, line 39, delete "." and insert "**before January 1, 2016.**".

Page 35, between lines 7 and 8, begin a new paragraph and insert:

"(d) This section may not be construed to prevent a taxpayer from:

(1) claiming a tax credit certified before January 1, 2016, in a taxable year after December 31, 2015; or

(2) carrying an unused portion of a tax credit certified before January 1, 2016, forward to a taxable year beginning after December 31, 2015, in the manner provided by section 13 of this chapter."

Page 35, delete lines 8 through 11.

Page 35, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 17. IC 6-3.1-16-9, AS AMENDED BY P.L.166-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 9. (a) **Subject to subsection (b)**, the office shall provide the certifications referred to in section 8(3) and 8(4) of this chapter if a taxpayer's proposed preservation or rehabilitation plan complies with the standards of the office and the taxpayer's preservation or rehabilitation work complies with the plan.

(b) After December 31, 2015, the office may not provide the certifications referred to in section 8(3) and 8(4) of this chapter.

~~(b)~~ (c) The taxpayer may appeal a final determination by the office under this chapter to the tax court."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1349 as printed March 20, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1349-5)

Madam President: I move that Engrossed House Bill 1349 be amended to read as follows:

Page 56, delete lines 18 through 42.

Delete page 57.

Page 58, delete lines 1 through 26.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1349 as printed March 20, 2015.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1398

Senator Charbonneau called up Engrossed House Bill 1398 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1398-5)

Madam President: I move that Engrossed House Bill 1398 be amended to read as follows:

Page 27, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 13. IC 36-7.5-3-5.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 5.4. (a) For purposes of this section, "northwest Indiana plan" refers to the activities of the Indiana plan for equal employment in its northwest Indiana region.**

(b) Subject to subsection (c), the development authority shall set a goal to achieve employment and retention of employees from certain northwest Indiana cities for work on development authority projects. The goal must be to attain, by not later than January 1, 2020, a workforce for each project that consists of at least twenty percent (20%) of employees who are individuals who reside in cities that:

(1) are within the boundaries of the development authority; and

(2) have an unemployment rate that exceeds the state unemployment rate by more than twenty percent (20%).

(c) The goal set forth in subsection (b) applies:

(1) to development authority investments of state and local funds on capital projects that require construction or demolition; and

(2) unless attainment of the goal is inconsistent with any federal or state law or regulation.

(d) The development authority shall before November 1 of each year issue a report to the legislative council, the budget committee, and the governor concerning the operations and activities of the development authority during the preceding state fiscal year as indicated in section 3 of this chapter. In addition, the development authority shall report on progress toward meeting the goal set forth in subsection (b) for the previous year and report any obstacles to achieving the goal set forth in subsection (b) and the use of the northwest Indiana plan in the report to the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1398 as printed March 27, 2015.)

ROGERS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1401

Senator M. Young called up Engrossed House Bill 1401 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1403

Senator Charbonneau called up Engrossed House Bill 1403 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1403-2)

Madam President: I move that Engrossed House Bill 1403 be amended to read as follows:

Page 3, line 5, delete "certain information" and insert **"information that may be excepted from disclosure under IC 5-14-3"**.

Page 3, line 27, delete "the project proposed in" and insert **"approving"**.

Page 3, line 28, delete "a" and insert **"an overall"**.

Page 3, delete lines 35 through 42, begin a new paragraph and insert:

"Sec. 7. (a) When the board awards a grant or makes a loan from the fund, the Indiana finance authority, upon request of the board, may determine that part of the grant or loan shall be made from the environmental remediation revolving loan fund established by IC 13-19-5-2 if:

(1) sufficient money has been transferred from the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 to the environmental remediation revolving loan fund for that budget year;

(2) the application for the grant or loan requests funds for the elimination or mitigation of a release of petroleum from an underground storage tank, including:

- (A) release investigation;**
- (B) mitigation of fire and safety hazards;**
- (C) tank removal;**
- (D) soil remediation; or**
- (E) groundwater remediation and monitoring;**

(3) the project is ineligible for assistance from the underground petroleum storage tank excess liability trust fund under IC 13-23-7-1; and

(4) the project meets applicable eligibility requirements established by the Indiana finance authority for assistance from the environmental remediation revolving loan fund.

(b) In the case of a project:

(1) that involves property at which a release of petroleum from an underground storage tank has occurred or is suspected to have occurred; and

(2) that satisfies the eligibility requirements under IC 13-23-8-4 and 329 IAC for access to the underground petroleum storage tank excess liability trust fund under IC 13-23-7;

the board may recommend that the applicant apply for assistance from the underground petroleum storage tank excess liability trust fund."

Page 4, delete lines 1 through 33.

Page 5, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-19-5-2, AS AMENDED BY P.L.221-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The environmental remediation revolving loan fund is established for the purpose of providing money for loans and other financial assistance, including grants, to or for the benefit of political subdivisions under this chapter. The authority shall administer, hold, and manage the fund.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Grants and gifts intended for deposit in the fund.
- (3) Repayments of loans and other financial assistance, including premiums, interest, and penalties.
- (4) Proceeds from the sale of loans and other financial assistance under section 9 of this chapter.
- (5) Interest, premiums, gains, or other earnings on the fund.
- (6) Money transferred from the hazardous substances response trust fund under IC 13-25-4-1(a)(9).
- (7) Fees collected under section 7 of this chapter.

(8) Money transferred from the underground petroleum storage tank excess liability trust fund under IC 13-23-7 for the purpose of environmental assessment and remediation on a property containing at least one (1) underground storage tank.

(d) The authority shall invest the money in the fund not currently needed to meet the obligations of the fund in accordance with an investment policy adopted by the authority. Interest, premiums, gains, or other earnings from these investments shall be credited to the fund.

(e) As an alternative to subsection (d), the authority may invest or cause to be invested all or a part of the fund in a fiduciary account with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with at least one (1) trust agreement or indenture. A trust agreement or indenture may allow disbursements by the trustee to:

- (1) the authority;
- (2) a political subdivision;
- (3) the Indiana bond bank; or
- (4) any person to which the authority, the Indiana bond bank, or a political subdivision is obligated, including a trustee that is a financial institution for a grantor trust;

as provided in the trust agreement or indenture. The budget agency must approve any trust agreement or indenture before its execution.

SECTION 4. IC 13-19-5-8, AS AMENDED BY P.L.221-2007, SECTION 11, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. The authority may use a priority ranking system in making loans and providing other financial assistance under this chapter based on the following:

- (1) Socioeconomic distress in an area, as determined by the poverty level and unemployment rate in the area.
- (2) The technical evaluation under section 3(8)(A) and 3(8)(B) of this chapter.
- (3) An award of a grant or loan to a project under IC 5-28-37-7(a) that:**

(A) involves a property at which a release of petroleum from an underground storage tank has occurred or is suspected to have occurred; and
(B) is ineligible for assistance from the underground petroleum storage tank excess liability trust fund under IC 13-23-7.

⊕ **(4) Other factors determined by the authority, including the following:**

- (A) The number and quality of jobs that would be generated by a project.
- (B) Housing, recreational, and educational needs of communities.
- (C) Any other factors the authority determines will assist in the implementation of this chapter."

Delete page 6.

Page 7, delete lines 1 through 7.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1403 as printed March 31, 2015.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1414

Senator Schneider called up Engrossed House Bill 1414 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1453

Senator Glick called up Engrossed House Bill 1453 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 1453-1)

Madam President: I move that Engrossed House Bill 1453 be amended to read as follows:

Page 3, line 11, delete "farm" and insert "**a cervid:**

- (1) born and raised in Indiana; and**
- (2) released on a hunting preserve."**

Page 3, delete line 12.

Page 3, delete lines 16 through 20, begin a new line double block indented and insert:

"(A) meets the acreage requirements set forth in

section 6(b)(1) of this chapter and the fencing requirements set forth in section 6(b)(2) of this chapter; or

(B) for a person who operated a hunting preserve during the 2014 calendar year, meets the acreage requirements set forth in section 6(c) of this chapter and the fencing requirements set forth in section 6(d) of this chapter (before its expiration);

(2) meets all other requirements of this chapter; and"

Page 3, line 21, delete "(2)" and insert "(3)".

Page 3, line 41, delete "deposited" and insert "**distributed**".

Page 4, line 1, after "to" insert "**the department for deposit in**".

Page 4, line 31, delete "a license" and insert "**an initial license**".

Page 4, line 35, delete "a license" and insert "**an initial license**".

Page 5, line 13, after "(d)" insert "**The fee for a special hunting license issued under this section is equal to the fee charged by the department for a nonresident annual hunting license.**".

Page 5, line 18, after "seventy-five" insert "**dollars**".

(Reference is to EHB 1453 as printed April 1, 2015.)

GLICK

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1505

Senator Eckerty called up Engrossed House Bill 1505 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1508

Senator Holdman called up Engrossed House Bill 1508 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1509

Senator Hershman called up Engrossed House Bill 1509 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1540

Senator Alting called up Engrossed House Bill 1540 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 1540-3)

Madam President: I move that Engrossed House Bill 1540 be amended to read as follows:

Page 52, line 38, delete "IC 36-7.5-11-11." and insert "**IC 36-7-11.5-11.**".

Page 54, line 2, delete "IC 36-7.5-11-11." and insert "**IC 36-7-11.5-11.**".

Page 56, delete lines 22 through 25.
 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1540 as printed April 3, 2015.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1636

Senator Kruse called up Engrossed House Bill 1636 for second reading. The bill was read a second time by title.

SENATE MOTION
 (Amendment 1636-2)

Madam President: I move that Engrossed House Bill 1636 be amended to read as follows:

Page 5, line 12, delete "authorized" and insert "**authorizer**".
 Page 8, line 9, delete "provider".
 (Reference is to EHB 1636 as printed March 27, 2015.)

KRUSE

Motion prevailed.

SENATE MOTION
 (Amendment 1636-1)

Madam President: I move that Engrossed House Bill 1636 be amended to read as follows:

Page 5, line 12, delete "authorized" and insert "**authorizer**".
 Page 8, line 9, delete "provider".

Page 9, line 2, after "school" insert "**that is placed in the highest or second highest category of school improvement under IC 20-31-8 and**".

Page 9, line 6, after "IC 20-43-1-8)." insert "**The authorizer of a charter school described in this subsection that is placed:**

- (1) in the third highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than two percent (2%); and**
- (2) in the fourth highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than one percent (1%);**

of the total amount the organizer receives during the state fiscal year from basic tuition support. The authorizer of a charter school described in this subsection that is placed in the lowest category or designation of school improvement under IC 20-31-8 is not entitled to receive an administrative fee during the state fiscal year from basic tuition support, and the organizer must reallocate the amount of the fees that would have been paid if the charter school had been placed in the highest category or designation of school improvement under IC 20-31-8 towards classroom expenditures. The organizer must demonstrate compliance with this subsection to the department. If the organizer does not demonstrate compliance, the department shall withhold from the organizer the state tuition support and federal funds that would otherwise be distributed to the organizer for the

charter school during the next state fiscal year."

Page 9, line 10, after "school" insert "**that is placed in the highest or second highest category of school improvement under IC 20-31-8 and**".

Page 9, line 12, after "support." insert "**The authorizer of a charter school described in this subsection that is placed:**

- (1) in the third highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than two percent (2%); and**
- (2) in the fourth highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than one percent (1%);**

of the total amount the organizer receives during the state fiscal year from basic tuition support. The authorizer of a charter school described in this subsection that is placed in the lowest category or designation of school improvement under IC 20-31-8 is not entitled to receive an administrative fee during the state fiscal year from basic tuition support, and the organizer must reallocate the amount of the fees that would have been paid if the charter school had been placed in the highest category or designation of school improvement under IC 20-31-8 towards classroom expenditures. The organizer must demonstrate compliance with this subsection to the department. If the organizer does not demonstrate compliance, the department shall withhold from the organizer the state tuition support and federal funds that would otherwise be distributed to the organizer for the charter school during the next state fiscal year."

Page 9, line 17, after "school" insert "**that is placed in the highest or second highest category of school improvement under IC 20-31-8 and**".

Page 9, line 20, after "support." insert "**The authorizer of a charter school described in this subsection that is placed:**

- (1) in the third highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than two percent (2%); and**
- (2) in the fourth highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than one percent (1%);**

of the total amount the organizer receives during the state fiscal year from basic tuition support. The authorizer of a charter school described in this subsection that is placed in the lowest category or designation of school improvement under IC 20-31-8 is not entitled to receive an administrative fee during the state fiscal year from basic tuition support, and the organizer must reallocate the amount of the fees that would have been paid if the charter school had been placed in the highest category or designation of school improvement under IC 20-31-8 towards classroom expenditures. The organizer must demonstrate compliance with this subsection to the department. If the organizer does not demonstrate

compliance, the department shall withhold from the organizer the state tuition support and federal funds that would otherwise be distributed to the organizer for the charter school during the next state fiscal year."

Page 9, line 23, after "school" insert "that is placed in the highest or second highest category of school improvement under IC 20-31-8 and".

Page 9, line 26, after "support." insert "The authorizer of a charter school described in this subsection that is placed:

(1) in the third highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than two percent (2%); and

(2) in the fourth highest category or designation of school improvement under IC 20-31-8 may receive an administrative fee equal to not more than one percent (1%);

of the total amount the organizer receives during the state fiscal year from basic tuition support. The authorizer of a charter school described in this subsection that is placed in the lowest category or designation of school improvement under IC 20-31-8 is not entitled to receive an administrative fee during the state fiscal year from basic tuition support, and the organizer must reallocate the amount of the fees that would have been paid if the charter school had been placed in the highest category or designation of school improvement under IC 20-31-8 towards classroom expenditures. The organizer must demonstrate compliance with this subsection to the department. If the organizer does not demonstrate compliance, the department shall withhold from the organizer the state tuition support and federal funds that would otherwise be distributed to the organizer for the charter school during the next state fiscal year."

(Reference is to EHB 1636 as printed March 27, 2015.)

STOOPS

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1637

Senator Pete Miller called up Engrossed House Bill 1637 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1637-1)

Madam President: I move that Engrossed House Bill 1637 be amended to read as follows:

Page 5, line 31, delete "shall" and insert "may".
(Reference is to EHB 1637 as printed March 27, 2015.)

PETE MILLER

Motion prevailed.

SENATE MOTION
(Amendment 1637-2)

Madam President: I move that Engrossed House Bill 1637 be amended to read as follows:

Page 5, line 32, delete "if" and insert "after".

Page 5, line 33, delete "under subsection (b) was" and insert "is".

(Reference is to EHB 1637 as printed March 27, 2015.)

PETE MILLER

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that the Motion to Dissent on Senate Bill 199, filed April 2, 2015, be withdrawn from further consideration by the Senate.

BRAY

Motion prevailed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1016

Senator Merritt called up Engrossed House Bill 1016 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 371: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1145

Senator Patricia Miller called up Engrossed House Bill 1145 for third reading:

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

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

Roll Call 372: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1150

Senator Boots called up Engrossed House Bill 1150 for third reading:

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

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

Roll Call 373: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1192

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

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

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

Roll Call 374: yeas 44, 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.

Engrossed House Bill 1287

Senator Holdman called up Engrossed House Bill 1287 for third reading:

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

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

Roll Call 375: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1319

Senator Charbonneau called up Engrossed House Bill 1319 for third reading:

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

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

Roll Call 376: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1323

Senator Patricia Miller called up Engrossed House Bill 1323 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 377: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1350

Senator Charbonneau called up Engrossed House Bill 1350 for third reading:

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

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

Roll Call 378: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1371

Senator Steele called up Engrossed House Bill 1371 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property and 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 379: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1393

Senator Yoder called up Engrossed House Bill 1393 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 380: yeas 48, nays 0. The bill was declared passed.

April 7, 2015

Senate 751

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1397

Senator Charbonneau called up Engrossed House Bill 1397 for third reading:

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

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

Roll Call 381: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1413

Senator Ford called up Engrossed House Bill 1413 for third reading:

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

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

Roll Call 382: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1432

Senator Yoder called up Engrossed House Bill 1432 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 383: yeas 33, nays 15. 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.

**MOTIONS TO CONCUR
IN HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate concur with the

House amendments to Senate Bill 7.

STEELE

Roll Call 384: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 197.

YODER

Roll Call 385: yeas 48, nays 0. Motion prevailed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

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

LONG

Report adopted.

**MOTIONS TO CONCUR
IN HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 309.

CRIDER

Roll Call 386: yeas 44, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 361.

MESSMER

Roll Call 387: yeas 45, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 393.

CHARBONNEAU

Roll Call 388: yeas 47, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 412.

MERRITT

Roll Call 389: yeas 38, nays 10. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Senate Bill 530.

BRAY

Roll Call 390: yeas 48, nays 0. Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 425 and that a conference committee be appointed to confer with a like committee of the House.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 508 and that a conference committee be appointed to confer with a like committee of the House.

STEELE

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 425:

Conferees: Holdman, Chair and Mrvan

Advisors: Walker, Arnold, Raatz, and Perfect

LONG

Date: 4/7/15

Time: 3:25 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 508:

Conferees: Steele, Chair and Randolph

Advisors: Messmer, Mrvan, and Houchin

LONG

Date: 4/7/15

Time: 3:07 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 68, 69, 70, 71, and 72 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 33, 42, and 43 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 174, 395, and 425 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bill 522 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1016.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1323.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Pete Miller be added as cosponsor of House Bill 1019.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as third sponsor of House Bill 1319.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of House Bill 1016.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be removed as first sponsor and Senator Hershman be substituted therefor of House Bill 1449.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as third sponsor of House Bill 1449.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second sponsor of House Bill 1008.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as third sponsor of House Bill 1008.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second sponsor of House Bill 1505.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as cosponsor of House Bill 1269.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as cosponsor of House Bill 1006.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Resolution 28.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1010.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1318.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, April 9, 2015.

HERSHMAN

Motion prevailed.

The Senate adjourned at 5:22 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate